A NEW HISTORY OF ENGLAND,

FROM THE DESCENT of the ROMANS, TO THE DEMISE of his late Majesty, GEORGE II.

INSCRIBED TO His present Majesty, GEORGE III.

By WILLIAM RIDER, A. B.
Late of *Jesus College, Oxford.*

HISTORY *is philosophy teaching by examples.*
Bolingbroke *from* Dion. Hali.

VOL. XXXVI.

LONDON:
Printed for S. CROWDER and Co. in *Pater-noster-Row*, and J. WILKIE, in St. *Paul's Church-Yard.*

A NEW HISTORY OF ENGLAND,

FROM THE DESCENT of the ROMANS, TO THE DEMISE of his late Majesty, GEORGE II.

INSCRIBED TO His present Majesty, GEORGE III.

By WILLIAM RIDER, A. B.
Late of *Jesus College, Oxford.*

HISTORY *is philosophy teaching by examples.*
Bolingbroke *from* Dion. Hali.

VOL. XXXVI.

LONDON:
Printed for S. CROWDER and Co. in *Pater-noster-Row*, and J. WILKIE, in St. *Paul's Church-Yard.*

THE

History of ENGLAND.

The HISTORY of GEORGE II. continued. A. D. 1733.

IN order to give the reader a more clear and diſtinct view of the tranſactions of the enſuing parliament, it may not be improper to remind him, that the firſt duties upon beer, ale, cyder, perry, and other liquors, made in the kingdom,

ſet to ſale, were impoſed in the reign of Charles the ſecond, and were given to that prince as an equivalent for the court of wards, the purveyances, and other rights of the crown, which he reſigned, and which had hitherto rendered the prerogative too powerful for the liberty of the ſubject. As the crown had always formerly rejected every propoſal of a commutation of this kind, and as the king could have no other ſecurity for the performance of the bargain, than the faith and honour of parliament, the two houſes piqued themſelves ſo much on making good the engagement, that the laws they enacted for collecting the exciſe, ſeemed, in many inſtances, to encroach on the property and liberty of the people. Thoſe, who had ſuffered by theſe laws, thought themſelves injured, and the number of complainants encreaſed ſo faſt, that the clamour againſt exciſes was become almoſt univerſal.

Such were the diſpoſitions of the public with regard to this important article, when the parliament met on the ſixteenth day of January. The king's ſpeech was ſhort and general. He recommended the raiſing the ſupplies in the moſt eaſy and popular manner; exhorted the members to avoid heats and animoſities; and earneſtly adviſed them not

not to ſuffer any ſpecious pretences to divert them from purſuing the true intereſt and welfare of their country.

This ſpeech, however inoffenſive, and even inſipid, occaſioned a debate in the houſe of commons. A motion having been made for an addreſs of thanks, aſſuring his majeſty, they would comply with his requeſt, Sir John Barnard propoſed an amendment, importing, that the manner of raiſing the ſupplies ſhould likewiſe be ſuch as might be conſiſtent with the trade, intereſt, and liberty of the nation. He was ſupported by Mr. Sandys and Mr. Shippen, who added, that it ſhould alſo be ſuch as might be conſiſtent with the honour and juſtice of parliament.

Sir Robert Walpole expreſſed his contempt for theſe two motions, by riſing himſelf to ſecond them; and after having diſclaimed all knowledge of any intention to injure the trade of the nation, he dropped ſome expreſſions, which ſeemed to inſinuate, that very unfair methods had been uſed to make the people complain without any reaſon. This charge was highly reſented by Sir Thomas Alſton, who ſaid, that the people had but too good reaſon to complain: that the French were employed in fortifying and repairing the harbour of Dunkirk, con-

trary to the faith of the moſt ſolemn treaties: that the Britiſh merchants had received no redreſs for the depredations committed by the Spaniards: that the commerce of England daily decreaſed: and that the miniſtry had been concerned in all the fraudulent chemes of the Charitable Corporation and other ſocieties. He added, that the parliament could not fairly tell his majeſty, that they were ſatisfied with the ſituation of affairs at home: for his own part, he was no wiſe ſatisfied with the preſent ſituation of affairs either at home or abroad: and therefore he moved, that no ſuch aſſurance ſhould be given to his majeſty. This motion, however, being dropt as unformal, the addreſs with the two amendments was drawn up and preſented, and received a moſt gracious anſwer.

The commons then proceeded to conſider the eſtimates for the enſuing year. They voted eight thouſand ſeamen, and ſeventeen thouſand ſeven hundred and nine men for the land ſervice. This laſt meaſure, however, was not carried without a violent oppoſition. All the arguments againſt a ſtanding army were again repeated with great eagerneſs. The example of the Dutch, who had lately agreed to a reduction of their troops, was urged as a proper precedent

dent for England. This laſt fact, however, was denied by Mr. Horace Walpole, who obſerved, that the number of forces, then propoſed, was abſolutely neceſſary, as long as the nation enjoyed the happineſs of having the preſent illuſtrious family on the throne.

The next trial which the party made of their ſtrength, was an inquiry into the Spaniſh depredations. On the thirteenth day of February, Sir Wilfred Lawſon moved for an addreſs to his majeſty intreating him to inform them, what ſatisfaction had been given to the Britiſh merchants for the loſs they had ſuſtained from the Spaniards in America.

The miniſter would willingly have ſtifled this motion, which was only intended to embarraſs his meaſures; but he could not oppoſe it, without laying himſelf open to the attacks of his enemies. His backwardneſs to break with the court of Spain had made him indulge them in various delays with regard to their making the promiſed reparation.

He had, however, been far from being negligent in this particular. Mr. Keene, the Britiſh reſident at Madrid, had printed ſeveral ſmart memorials on the ſubject, and in the courſe of the former year had obtained

ed the following cedula, which is inserted at length, that the reader may be enabled to judge, how far the miniſtry deſerved the blame that was thrown on them by their enemies.

" I the King.

" Whereas the Britiſh miniſter, reſiding " at this court, has repreſented to me, that, " notwithſtanding the orders I have iſſued, " to hinder the Spaniſh privateers in Ame- " rica, from committing hoſtilities againſt " the Engliſh ſhips frequenting thoſe ſeas: " nevertheleſs, not only ſuch perſons as have " patents from governours of ſome of the " ports of my dominions, but alſo ſome, " who have no patents at all, continue " their hoſtilities, under pretence of pre- " venting an illicit commerce; whilſt the " governours refuſe to admit of the com- " plaints preferred by the Engliſh, who " have experienced ſuch unjuſt moleſtations, " or to indemnify them for the loſſes they " may have thereby ſuſtained. My reſolu- " tion is, that the orders, already iſſued for " that purpoſe, ſhould be repeated. " Wherefore I command, by theſe preſents, " all governours in any port or place in my " dominions in America, not to ſuffer any

" of

" of my ſubjects to moleſt or abuſe the Engliſh ſhips that ſhall ſail in thoſe ſeas, as " long as they keep in their proper diſtances, and are not concerned in any illicit " trade; and my governours muſt take " ſpecial care, that my ſaid ſubjects do " conform exactly and indiſpenſably to the " royal laws and ordinances, which treat " of thoſe matters: and if any of my ſaid " ſubjects, ſhould commit any outrage, contrary to thoſe laws, I command my governours to puniſh them, with all the ſeverity that the nature of the offence ſhall " ſeem to require; as alſo, ſuch as, without patents, ſhall go to ſea in order to " commit hoſtilities, and make unlawful " prizes. And I likewiſe order that the " ſaid governours ſhall hear and examine all " the complaints that ſhall be made to them " from the miniſters or chief commanders of " Great-Britain, either by word of mouth, or " by writing; taking care to do them juſtice " at all times: and to give them certificates " of all that ſhall be tranſacted: and I further enjoin, that ſatisfaction be made to " them for the loſſes they may have ſuſtained unjuſtly, by the ſubjects, who " may have occaſioned theſe loſſes, and " who ought to make them good; for ſuch " is my will. And the aforeſaid governours

" are

" are to understand, that they shall be made " accountable for the excesses committed " by the privateers; because, before they " grant them patents to go to sea, they " ought to examine, who the persons are " and insist upon proper securities.

" To the governours of the ports in the Indies, relating to the hostilities, which the English have experienced from the privateers of those ports."

" Done at Seville, the 18th January, 1732

" I the King,

" D. Joseph Patinho."

This cedula, however full and express, was not satisfactory to the anti-courtiers in England. They alledged, and with great show of reason, that the expression, used by his Catholic majesty, of proper distances to be kept by British ships upon the coasts of America, was a fallacious condition, and tended to defeat the whole purport of the declaration. They affirmed, that it was absolutely impossible for ships sailing from one colo-

lony of Great-Britain to another, to perform their voyages, without being ſometimes driven, by winds and tides, within ſuch diſtances af the Spaniſh coaſts, as the Spaniards might deem to be improper, and therefore a ſufficient cauſe for capture, according to the ſecret orders, which their governours might have received from the court of Madrid.

After a violent debate, the motion was approved, and the addreſs preſented. His majeſty, in his anſwer, informed the houſe, that the meeting of the commiſſaries of the two crowns had been ſo long delayed by unforeſeen accidents, that the conferences were not opened till the latter end of the preceding February, and that, as the courts of London and Madrid had argued that the term of three years, allotted for finiſhing the commiſſion, ſhould be computed from the time of their firſt meeting, a perfect account of their proceedings could not, as yet, be laid before the commons.

The next object that engroſſed the attention of the houſe was of the utmoſt conſequence to all the trading part of the nation.

The French ſugar iſlands had long carried on a very large and extenſive commerce with the Britiſh ſettlements in North America, as well as with Ireland; a ſpecies of traf-

traffic, which tended greatly to the detriment of the Engliſh ſugar colonies. In order to remedy this growing evil, the commons came to the following reſolutions: that no ſugar, paneels, ſyrups, or molaſſes, of the growth, product, or manufacture, of any of the colonies or plantations in America, nor any rum, or ſpirits of America, except of the growth or manufacture of his majeſty's ſugar colonies there, ſhould be imported into Ireland, but from Great-Britain only: that a duty of four ſhillings per hundred weight ſhould be laid on all ſugars and paneels, imported into any of his majeſty's colonies or plantations in America: that a duty of ſixpence per gallon ſhould be laid on all foreign molaſſes and ſyrups imported into any of his majeſty's colonies or plantations in America: that a duty of ninepence per gallon ſhould be laid on all foreign rum imported into any of his majeſty's colonies or plantations in America: that all duties, charged on the importation of all ſugars and paneels of the growth, product, or manufacture of his majeſty's colonies and plantations of America into Great-Britain, ſhould be drawn back on exportation of the ſame: that a draw back or allowance of two ſhillings per hundred weight on all ſugars refined in, or exported from Great-

Great-Britain, ſhould be paid on the exportation thereof, over and above all drawbacks or bounties, now payable on that commodity.

Theſe reſolutions, particularly the firſt, were ſtrongly oppoſed by all thoſe, who had any intereſt in Ireland. They alledged that nothing could be more imprudent than ſuch a proceeding, as it would naturally encourage the conſumption of French brandy: that it was directly contrary to the treaty with Portugal, by prohibiting the importation of Portugueſe ſugar into Ireland: that France would probably conſider it as an infringement of the treaty of Utrecht, by which it was provided, that all trade ſhould remain on its former footing: that the Iriſh had reaſon to complain of the cruel and contemptuous manner, in which they were treated in this and many other particulars: that if ſuch high duties were laid upon the materials for making rum, the French, inſtead of ſupplying our northern colonies, as they then did with molaſſes at a very cheap rate, would apply themſelves to the manufacturing their own molaſſes into rum, which the Engliſh coloniſts would buy at any price: that the inconvenience of the ſecond reſolution, which amounted to a prohibition of French rum

into the Engliſh colonies, would be, that the French, having once got into the method of making rum, would ſmuggle it into the Britiſh plantations, notwithſtanding the utmoſt efforts of the governours to prevent them; the rather as the coaſts of the Engliſh dominions in North America, were ſo extenſive, and ſo full of bays and creeks, that it was impoſſible to guard againſt ſmuggling; and as there was no greater temptation in the world to ſuch a practice than the impoſition of high duties upon any commodity.

It was urged, on the other hand, that the prohibition in queſtion could never have the effect of encouraging the conſumption of French brandy in Ireland, inaſmuch as the importation of rum into that kingdom was ſtill allowed of from the Britiſh ſugar iſlands: that the commodities directly imported into Ireland, were generally the product or manufacture of foreign ſugar colonies, which were thereby greatly encouraged, while the Britiſh ſugar colonies were diſcouraged and injured in proportion: that no foreign power could reaſonably be offended at a national regulation, which affected only the trade of Great-Britain; the rather as it ſeemed not to be the intention of the government to prohibit either French ſpirits

or

or Portugal ſugars from being imported into Ireland. The foregoing reſolutions were at laſt digeſted into a bill, which afterwards paſſed into a law, under the title of an act for the better ſecuring and encouraging the Britiſh ſugar colonies in America.

Such was the concluſion of an affair, which had engroſſed for years the attention of the ableſt merchants in his majeſty's dominions, and about which the inhabitants of the mother country as well as thoſe of her colonies were divided in their ſentiments. The ſubject, it muſt be owned, was of a nature no leſs delicate than important. If the ſugar colonies were relieved, the ruin of the northern ſettlements was apprehended; and yet it was evident, that, if theſe laſt were allowed to continue their extenſive commerce with the French, the former muſt ſoon be reduced to the moſt wretched condition. The parliament wiſely choſe the leaſt of the two evils; and happily none of the dangerous conſequences, which this expedient ſeemed to threaten, were found to follow in fact.

The miniſter, conſcious of the popularity he had gained with the landed-gentlemen by the revival of the ſalt duty, reſolved to encreaſe his intereſt with that part of the na-

tion by giving ſome farther eaſe in another particular. With this view he moved, that towards raiſing the ſupply granted to his majeſty, the ſum of five hundred thouſand pounds ſhould be iſſued out of the ſinking fund, over and above what had been applied to the payment of one million for diſcharging the national debt, purſuant to an act of the laſt ſeſſion of parliament. He added, that, if the houſe ſhould not approve of this motion, he or ſome other member would be obliged to move for a land-tax of two ſhillings in the pound; as there was no other way of providing for the current ſervice of the year.

Thoſe, who piqued themſelves on the character of country gentlemen, were highly offended at the indignity offered them by this motion; which ſeemed to inſinuate, that they would rather encroach upon the ſacred depoſit of the ſinking fund, than conſent to pay a land-tax of two ſhillings in the pound. "The honourable gentleman," ſaid Mr. Pulteney, "has often been called, "and he once had the vanity to call himſelf, "the father of the ſinking fund; but, if "Solomon's judgement be right, he, who "is thus for ſplitting and dividing the child, "can never be deemed the real father. "He may claim, and I will allow him, the "hon-

" honour of being the father of two other " children lately brought forth in this na- " tion, a ſtanding army and an exciſe; " but, as for the ſinking fund, he ſeems " now to renounce all pretences of being " its real father."

What Mr, Pulteney gained in wit he loſt in argument by this ſarcaſm. The exciſe and the army, it was well known, were both upon the ſame footing as they had been before the miniſter came into power or even into parliament. With regard to the ſinking fund, Sir Robert Walpole obſerved, that he remembered the time, when the eſtabliſhment of that ſcheme was treated as a ridiculous project, and then he was obliged to father it; but no ſooner was it found to be a meaſure that tended to the intereſt of the nation, than other gentlemen endeavoured to rob the real father, whoever he was, of the honour of having ſuch a child.

The motion was oppoſed by Sir William Wyndham, who ſaid, that, though five hundred thouſand pounds ſeemed at preſent to be ſaved in the pockets of the landed gentlemen, that ſum muſt, ſome time or other, be paid by the nation. If it was paid the enſuing year, they muſt then pay twenty thouſand pounds more for it: if not till two years after, they muſt then pay forty thou-

ſand pounds more for it: and if it was not paid till fifteen or ſixteen years after, they muſt then, according to the rate of compound intereſt, which, in ſome caſes, muſt take place, pay above a million for the five hundred thouſand pounds, of which the landed gentlemen were now pretended to be eaſed.

Theſe objections were anſwered by Mr. Scroop, ſecretary to the treaſury, who obſerved, that the motion was no other than an alternative, either to take the money from the ſinking fund, or to take it from the landed gentlemen, upon whom the burden muſt immediately fall: that, even ſuppoſing the honourable gentleman's calculations be juſt, and his apprehenſions well grounded, he muſt, nevertheleſs, admit, that, by keeping the money in the pockets of the landed gentlemen, the intereſt would accumulate to them in the ſame manner as it would to the creditors of the government: that this was an immediate ſaving, which might be of much more ſervice to theſe gentlemen, who ought to be conſidered as part, and indeed the moſt reſpectable part, of the public, than the payment of the intereſt, to which all the kingdom muſt indiſcriminately contribute, could be of detriment to the nation: that this opinion would appear to be the better

better founded, when it was conſidered, that the government might probably hereafter find very great reſources, in the flouriſhing ſtate of the commerce and credit of the kingdom, which, as they encreaſed, muſt, in any event, enable the landed gentleman, in a few years, to pay with much more facility than they could be ſuppoſed to do at preſent.

As ſeveral reflections had been thrown out, in the courſe of the debate, againſt the revival of the ſalt duty, Mr. Pelham ſaid in reply, that gentlemen might talk as they pleaſed of what had been done in the laſt ſeſſion of parliament; but he could ſay, that, in all places where he had ſince been, he had had the pleaſure of receiving the univerſal thanks of the people for the eaſe given by that expedient to the landed intereſt: that, in whatever light that affair might now be repreſented, he nevertheleſs knew, that ſome gentlemen, who oppoſed the meaſure, were heard to ſay, at the time of its being firſt mentioned, that it was a moſt damnable project; it would pleaſe the country too much; and therefore they muſt endeavour to render it abortive: that he would, indeed, do the gentlemen the juſtice to believe, that they then ſpoke their real ſentiments; and he was convinced they did all that

that lay in their power to prevent the ſucceſs of a deſign, by which his majeſty's adminiſtration had gained the good will and eſteem of the generality of the land-holders in England: that the ſcheme, however, which was now propoſed, was not an impoſition of any new load upon poſterity; it was only a diſtribution of that money, which always had been, and ſtill was, at the diſpoſal of parliament. After a long and violent diſpute, the motion was approved, and the ſum granted agreeable to the propoſal.

The people were at this time greatly alarmed with the apprehenſions of the exciſe-ſcheme, which the miniſter had openly declared he intended to bring into the houſe; and their ill humour was ſtill farther encreaſed by a variety of other circumſtances. The Spaniſh depredations in America, ſtill continued to encreaſe: the penſion-bill had been ſeveral times rejected in the houſe of lords: a bill for ſecuring the freedom of parliaments, by limiting the number of officers in the houſe of commons, had met with the ſame fate: ſuch too had been the iſſue of a motion to bring in a bill to repeal the act for ſeptennial parliaments, and limit their continance to the term of three years

years according to an act of the ſixth of king William and queen Mary.

The truth is, the anti-courtiers neither deſired, nor expected, that theſe popular motions ſhould be approved. Their only intention in making them was to diſcredit the miniſter, by repreſenting their miſcarriage as owing to his influence; and in this attempt they had all the ſucceſs which their hearts could poſſibly wiſh. The miniſter was, by theſe and like methods, rendered ſo unpopular, that every ſcheme he concerted, was inſtantly condemned, even before it had been propoſed to the public.

Such were the diſpoſitions of the people, when, on the fourteenth day of March, in a committee of the whole houſe, Sir Robert Walpole opened the project, which he had ſo long been meditating. He began by aſſuring the houſe, that the ſcheme he intended to lay before them, according to the beſt of his knowledge, would be an improvement to the revenue of twenty or thirty thouſand pounds a year. He then proceeded to explain and enumerate the various frauds and impoſitions, which were committed in the tobacco trade, and which were ſo groſs and palpable, as at once to excite the ſurprize and indignation of the members.

He ſaid, that the duties, now payable upon tobacco on importation, amounted to ſixpence

pence and one third of a penny per pound weight; which muſt be paid down in ready money upon the commodity's being imported, with the allowance, however, of ten per cent upon prompt payment; or elſe there muſt be bonds given, with ſufficient ſecurity for the payment of the money; a circumſtance, which was often a great loſs to the public, and was always a great inconvenience to the merchant importer: that, by the ſcheme he was going to propoſe, the whole duties to be paid for the future, would amount to no more than four pence and three farthings per pound weight; and this duty was not to be paid, till the tobacco came to be ſold for home conſumption: that thus the merchant, if he exported his tobacco, would be quite free from all payment of duty, or the neceſſity of giving bond for it, or finding out proper ſureties to join with him in ſuch bond; he would have nothing to do but to ſhift his tobacco on board a ſhip for exportation, without being at the trouble to attend in order to have his bonds cancelled, or take out debentures for the drawbacks: that the being relieved from all this drudgery muſt, he conceived, be a great eaſe to the fair trader; and to every ſuch trader, the preventing of frauds muſt be a great advantage, as it would put all the tobacco

bacco traders in Great-Britain upon the ſame footing; a thing, which was certainly juſt and reaſonable, and which, if poſſible, ought undoubtedly to be accompliſhed: that, for the better effecting this purpoſe, he propoſed, that the laws of exciſe ſhould be joined to thoſe of the cuſtoms; and that one penny or rather three farthings, per pound, commonly called the further ſubſidy, ſhould be ſtill left to be charged at the Cuſtom-houſe upon the importation of any tobacco; which three farthings ſhould be payable to his majeſty's civil-liſt as formerly: that all tobacco, for the future, after being weighed at the Cuſtom houſe, and charged with the ſaid three farthings per pound, ſhould be lodged in a warehouſe, to be appointed by the commiſſioners of the exciſe for that purpoſe; of which warehouſe the merchant importer ſhould have one lock and key, and the warehouſe-keeper, to be named by the ſaid commiſſioners, ſhould have another; that ſo the tobacco might be ſafe in that warehouſe, till the merchant found a market, either in the way of exportation or home conſumption: that, if the market was for exportation, he might apply to the warehouſe-keeper, and take out as much for that purpoſe, as he wanted, which, when weighed at the Cuſtom-houſe, ſhould be diſcharged

ed of the three farthings per pound, with which it was charged upon importation; and then the merchant might export it without any farther trouble: that, if on the contrary, his market was for home conſumption, he ſhould then pay the three farthings charged upon it at the Cuſtom-houſe upon importation, and then calling for his warehouſe-keeper, he might deliver it to the buyer, on paying an inland duty of four-pence per pound weight, to the officer appointed to receive that duty: that, whereas all the penalties and forfeitures, which became due by the laws now in being for regulating and collecting the duties on tobacco, or at leaſt all that part of them, which was not given to the informers, now belonged to the crown, he propoſed, that all ſuch penalties and forfeitures, in ſo far as they formerly belonged to the crown, ſhould, for the future, belong to the public, and be applicable to the ſame uſes, to which the ſaid duties ſhould be appropriated by the parliament: that, for this purpoſe, he had his majeſty's commands to acquaint them, that his majeſty out of his great regard for the public good, with pleaſure conſented, that they ſhould be ſo applied; an inſtance of condeſcenſion, which, he hoped, every gentleman in the houſe would readily perceive,

ceive, and gratefully acknowledge: that he knew there had been an objection made, and he expected to hear it again made in this houſe, againſt what he now propoſed; namely, that a great many of his majeſty's ſubjects would be ſubjected to be tried, in a multitude of caſes, by the commiſſioners of exciſe, from whom there lay no appeal but to the commiſſioners of appeal, or to the juſtices of peace in the country, all of them named by the king, and removeable at pleaſure; and from whom, of conſequence, the appellants could not expect to meet with juſtice and redreſs: that he was far from thinking there was any juſt cauſe for this complaint; he was far from thinking, that any man ever had reaſon to ſay, he was wronged or injured, either by the commiſſioners of appeal, or by the juſtices of the peace at their quarter ſeſſion: that nevertheleſs, in order to obviate any objection of this nature, he propoſed, that all appeals in this caſe, as well as in all other caſes relating to the exciſe, ſhould, for the future, be heard and determined by two or three of the judges to be named by his majeſty out of the twelve judges belonging to Weſtminſter Hall; and that, in the country, all appeals from the firſt ſentence of his majeſt's juſtices of the peace, ſhould be to the

judge of aſſize upon the next circuit, which ſhould come into that country; who ſhould, in all caſes, proceed to hear and determine ſuch appeals in the moſt ſummary way, without the formality of proceedings in the courts of law and equity: that, from ſuch judges, and from ſuch a manner of proceeding, every man might expect to meet with the utmoſt diſpatch, and with the moſt impartial juſtice; and therefore he muſt be of opinion, that what he now propoſed could be no inconvenience to thoſe, who might thereby be ſubjected to the exciſe laws; but that, on the contrary, in caſe there was formerly any ground for complaint, the preſent ſcheme might be a great relief to thoſe, who were already ſubjected to ſuch laws.

The motion was oppoſed by Mr. alderman Perry, one of the members of the city of London, who endeavoured to invalidate moſt of the allegations brought by Sir Robert Walpole againſt the frauds committed in the tobacco-trade. He ſaid, it had been pretended, that the public had ſuſtained, and were ſtill in danger of ſuſtaining, great loſſes, by the method of granting bonds for the duties payable upon tobacco: that this inſinuation he had before heard thrown out by the honourable gentleman, who ſpoke laſt;

laſt; and therefore he had lately had a meeting with ſeveral merchants in London trading in tobacco; they had examined the matter with the utmoſt care and impartiality; and he could now inform the houſe, that he had it in commiſſion from theſe merchants to propoſe, that, if the government would allow them a diſcount of but twenty thouſand pounds, they would give undeniable ſecurity for the payment of all the bonds, of which the government was now poſſeſſed, and which were not become deſperate by the bondſmen having already fled the kingdom, or become bankrupts: that, with regard to the fraud called ſocking, it had already been diſcovered, and was, he hoped, prevented for the future; but it was well known, that they were the merchants who firſt diſcovered it; the merchants went and complained of it to the commiſſioners of the cuſtoms; and the merchants joined and aſſiſted the officers of the cuſtoms in putting an effectual ſtop to it: that as to the frauds committed at the weighing of the tobacco, either on importation or exportation, he was afraid they were too frequent; but, as the tobacco was always weighed upon the public Cuſtom-houſe keys, where Cuſtom-houſe officers ſwarm like bees before a hive, and as there muſt be two or three officers attending

and overlooking the weighing of every caſk of tobacco, it could not be ſuppoſed, that theſe frauds were ever ſo enormous as they had been repreſented: that whatever frauds were committed in that way, muſt either be owing to the neglect or colluſion of the officers; and he could not ſee how the preſent ſcheme would make the officers either of the cuſtoms, or exciſe, more diligent in their duty, or more faithful to their truſt, than they had hitherto been: that, as to the relanding of tobacco, after it had been entered for exportation, it was never pretended that ſuch a fraud was committed at the port of London; nor could it be pretended, that any great quantities of ſuch tobacco were ever conſumed in London: that it was a practice, which might, perhaps, have been frequent in the northern parts of the iſland, and in ſome diſtant creeks and corners of the coaſt: and, while there was ſuch a vaſt diſproportion between the prime coſt and the duties on tobacco, he might propheſy, that, in ſuch remote places, this practice would always prevail: that it could not be prevented by ten times the number of officers, which the government had, even though backed by a much more numerous army, than was then kept on foot: that, with reſpect to the ſtripping, cutting and preſſing the ſtalks of tobacco,

co, if the honourable gentleman mentioned it as a fraud, or as a late diſcovery, he miſtook it very much; on the contrary, it was no fraud, nor was it a late diſcovery; it was a buſineſs that had been openly, honeſtly, and publickly carried on for many years; it was a buſineſs that had improved the tobacco-trade, and was as common and as well known as the buſineſs of a woollen or linnen draper: that he begged leave to mention the condition of the tobacco-planters, and of the hardſhips to which they were expoſed by their tobacco factors, who were, it ſeems, now become their lords and maſters: that he was ſure none of them ever thought of complaining, till they were induced to it by letters and applications from hence: that there were hardſhips in all trades, to which men muſt neceſſarily ſubmit, or give up their buſineſs; but every man, who underſtood the tobacco trade, muſt ſee, that the hardſhips, under which the factors laboured, were by far the moſt numerous and the moſt grievous; and if this ſcheme ſhould take effect, they would ſoon become ſo grievous, that no man would be able to continue in the trade, by which means the planters would be utterly undone, and the trade quite loſt to the nation: that it was impoſſible for ſo them to manage their

plantations, or to ſend their produce to Great-Britain, without having ſome conſiderable merchants ſettled here, who might ſend ſhips to receive it in America, to manage and diſpoſe of it after it was landed in England, and to ſupply them with ready money, till their tobacco could be brought to a proper market: that, with regard to the remonſtrance, mentioned by the honourable gentleman to have been lately ſent over by the tobacco-planters, he knew it was obtained by a letter from hence; and he believed many of thoſe, who joined in it, now heartily repented of what they had done: that it was drawn up in the form of of a petition to this houſe, and was deſigned to have been preſented; but it ſeemed the promoters of it had altered their intention; however, that it had been obtained in the unfair manner he had repreſented, he was now ready to prove, to the conviction of the whole world: that, as this was the caſe; as the ſcheme now propoſed, could not be ſaid to be of any great benefit to the public revenue; as it would be ſo far from being an advantage to the fair trader, or to the honeſt planter, that it would, probably, ruin both, and entirely deſtroy the tobacco-trade; though he and all honeſt men wiſhed from their hearts, that frauds might

might be prevented in this as well as in every other branch of the public revenue; yet he could not give his aſſent to a propoſition, which he conſidered as inconſiſtent with the principles of the Britiſh conſtitution: that he was convinced, it would prove a moſt fatal ſtroke to the liberties of his country; a circumſtance, which, he doubted not, would be made plainly appear by other gentlemen of much greater abilities than he was poſſeſſed of; and to every man, who had a regard for his country, or for the people he repreſented, this laſt muſt be a ſufficient reaſon for oppoſing the ſcheme, even though it were, in other reſpects, one of the moſt beneficial that had ever been propoſed: that ſince he looked upon that day, on which he was choſen one of the repreſentatives of the city of London, as the moſt auſpicious day of his whole life; he could not tamely ſit ſtill, and hear the whole body of the merchants of that great city treated by that honourable gentleman as a pack of rogues, ſmugglers, and unfair traders: it was a treatment, which they no ways deſerved; it was a very ſtrange and very cruel kind of treatment; and ſuch a treatment, as, he was ſure, they never would forget, and, he believed, never would forgive.

He

He was anſwered by Sir Philip York, attorney-general, who obſerved, that the gentlemen in the oppoſition had miſapprehended the queſtion, which was no other than whether the frauds, that had been mentioned, and indeed had been admitted, ſhould, or ſhould not, be prevented: that the preſent ſcheme could never, in any ſenſe, endanger the conſtitution of the kingdom; nor was it poſſible to find out any liberty that could be affected by it, but the liberty of ſmuggling: that as to national liberty; as to that liberty, which always had been, and always would be, the glory of theſe kingdom, it was certain, that the publick revenues were its greateſt ſecurity; how then could that liberty be ſaid to be endangered by a ſcheme, which ſo evidently tended to the improvement of that very thing, upon which the national liberty manifeſtly depended? that the ſcheme was intended for the relief of the landed intereſt; and ſo far was it from hurting his majeſty in the affections of his ſubjects, that it would, were it fully known and thoroughly underſtood, eſtabliſh him more firmly in their good will and favour: that this would appear the more plainly, when it was conſidered, that, that the ſcheme was ſo calculated, that no honeſt man in England, no fair trader, would be obliged

to

to pay one ſhilling more to the government than what the law directed: that there was no more danger in the laws of exciſe than in thoſe of the cuſtoms; nor could any thing be more ridiculous than the apprehenſions, which ſome gentlemen ſeemed to entertain, as if the addition of one hundred and twenty little exciſe officers (for no more were propoſed to be added) would ever endanger the liberties of England: that with regard to the hardſhips of trying the ſubject by the laws of exciſe, he thought that objection was, in a great meaſure, removed by the method propoſed of all trials being held in Weſtminſter-Hall, and not before the commiſſioners of exciſe: that though the Magna Charta preſcribed trials by juries, yet the wiſdom of the legiſlature had thought fit, in many inſtances, to deviate from that rule; witneſs the proceedings in chancery, and in the high court of admiralty: that if ever there was a reaſon, in any caſe, for altering the ancient method of trials by juries, he was ſure there was a very ſtrong reaſon for altering it with regard to trials concerning the revenue: that every gentleman, who had been in the leaſt converſant in the courts of Weſtminſter-Hall, well knew the partiality of juries in favour of thoſe, who were ſued by the crown for any frauds in the

the public revenue: that he himſelf remembered an inſtance of a ſmuggler being tried in Weſtminſter-Hall, by a jury, upon as full evidence as could be produced in any caſe, and yet was acquitted: that, in theſe circumſtances, the crown could never pretend to prevent ſmuggling or unfair trading, as long as the trials were to be for the moſt part by juries; and where it became neceſſary to alter that method of trial, the altering in that new caſe, could no more be ſaid to be an innovation or encroachment on the Britiſh conſtitution, than the altering it formerly in another caſe had been.

He was ſupported by Sir Joſeph Jekyll, maſter of the Rolls, who, of all men in the world, was the leaſt likely to favour either the miniſter or any unconſtitutional propoſal. He thought that the appeal being made to the judges in Weſtminſter-Hall ſufficiently blunted the ſeverity of the exciſe-laws: and that the ſingle point, to be conſidered by the committee, was, how to prevent the enormous frauds practiced in collecting the revenue.

In oppoſition to theſe two advocates for the ſcheme, Mr. Pulteney alledged, that it was altogether inconſiſtent with the liberties of the people, and plainly tended to ſubvert the conſtitution of the nation. He ſaid, he wiſh-

wiſhed the gentlemen, who appeared ſo zealous for the ſcheme, would have ſome little regard for their conſtituents: it was well known that it was the cuſtom among our anceſtors, when any new device was propoſed, to deſire time to have conference with their countries: that, for his own part, he was but very little converſant in books of law; however he ſometimes looked into them, and he muſt beg leave to read a paſſage or two on this ſubject from lord Coke: that that great lawyer, in the fourth part of his inſtitutes, ſaid, "that it was alſo the law "and cuſtom of the parliament, that, when "any new device was moved on the king's "behalf, in parliament, for his aid, or the "like, the commons might anſwer, that "they tendered the king's eſtate, and were "ready to aid the ſame; only in this new "device, they durſt not agree without con-"ference with their countries, whereby it "appeared, that ſuch conference was war-"rantable by the law and cuſtom of parlia-"ment;" that according to the ſame author, at the parliament held in the ninth of Edward the third, when a motion was made for a ſubſidy of a new kind, the commons anſwered, "that they would have confe-"rence with thoſe of their ſeveral coun-"tries and places, who had put them in

"truſt

"truſt, before they treated of any ſuch mat-"ter." He added, that if ſuch a conference was ever neceſſary upon any occaſion, it was ſurely neceſſary before they agreed to the meaſure now propoſed to them. He concluded with obſerving, that even a conference of that kind was unneceſſary, becauſe the conſtituents of the members had already ſufficiently declared their abhorrence of the ſcheme; and therefore he hoped, that the gentlemen of the committee would reject it with that ſcorn and contempt, which it deſerved.

The next who entered the liſts againſt the court was Sir William Wyndham, who, of all the members in the houſe, was the moſt virulent as well as the moſt formidable enemy of the miniſter. He began, as all the oppoſers of the ſcheme had done, with a general declamation againſt the laws of exciſe. He affirmed, that the pretence of eaſing the landed intereſt was a mere trap thrown out by the miniſter; and that the extenſion of the exciſe laws, and the encreaſe of officers that muſt attend it, would be much more dangerous to the nation, than the frauds which had been mentioned, were prejudicial to the revenues. He alledged, that the conduct of the preſent adminiſtration was very different from that of queen Elizabeth's miniſtry.

niſtry, who took particular care to avoid every thing that was diſagreeable to the people: he ſaid, the miniſtry aſked why the people complained of this ſcheme? here was no new tax to be impoſed, there was nothing propoſed but a new method of raiſing thoſe taxes, which were already due by law; but he would have gentlemen remember, that the nation had once already been more grievouſly oppreſſed by a new method of raiſing and collecting that money, which was before due by law, than ever they had been by any new tax, that ever was laid upon them: that he had already mentioned the reign of Elizabeth; and if gentlemen would carry their views a little farther back, they would find, that the people were moſt terribly harraſſed, and the nation almoſt deſtroyed, by a grievous method of raiſing and collecting that, which was due by the laws then in being: Empſon and Dudley, thoſe two noted ways and means men, thoſe two wicked miniſters, knowing the avarice of their maſter, concluded, that no ſcheme would be more agreeable to him than that, which would fill his coffers by draining the purſes of his ſubjects, and this they did without impoſing any new taxes; they laid no new or illegal burdens on the people; they only carried into a ſe-

vere and rigourous execution the laws, which had before been enacted; but what was their fate? they had the misfortune to outlive their master; and his son, as soon as he came to the throne, took off both their heads: that in this he did justly, though he did it against law; they had done nothing contrary to law; they had only put the laws severely in execution; and what they did was in obedience to the command of the king their master; yet this was so grievous and oppressive to the subject, that nothing less than their lives could be admitted as a sufficient attonement to the people; and certainly that oppression, which is committed under the sanction of the laws, or of the royal authority, must always be deemed the most heinously criminal, and ought to be the most severely punished.

This speech was warmly resented by Sir Robert Walpole, at whom it was evidently levelled. He hoped, he said, most of those, who heard him, were convinced, that it was very unfair and unjust to draw any parallel between the characters of Empson and Dudley and his; a comparison, however, which, he supposed, the honourable gentlemen meant to make, when he brought that piece of history into the debate. He added, that if he endeavoured to raise money

ney from the people or from any man whatever, by oppreſſive or illegal means; if his character ſhould ever come to be, in any reſpect, like that of thoſe miniſters, he ſhould deſerve their fate; but, while he knew himſelf to be innocent, he ſhould depend upon the protection of the laws of his country; as long as they could protect him, he was ſafe; and if that protection ſhould fail, he was prepared to ſubmit to the worſt that could happen: that he knew his political and miniſterial life had by ſome gentlemen been long wiſhed at an end; but they might aſk their own diſcontented hearts, how vain their wiſhes had been; and as for his natural life, he had lived long enough to learn to be as eaſy about parting with it, as any man could well be. He declared, that he did not look upon the clamours without doors againſt the ſcheme to be the voice of the nation. He ſaid, that circular letters had been wrote, and ſent by the beadles, in the moſt public and unprecedented manner round to almoſt every ward in the city, ſummoning the citizens, upon their peril, to come down this day to the houſe of commons: that this was a fact of which he was certain, becauſe he had now one of thoſe letters in his pocket, ſigned by the deputy of one of the greateſt wards in the

city of London, and ſent by the beadle to one of the inhabitants of that ward: that he knew, that ſuch letters had been ſent to almoſt every liveryman and tradeſman in the ward; and that, by the ſame ſort of unwarrantable methods, had the clamours been raiſed almoſt in every part of the nation. He then concluded with the following uncautious, though not unjuſt expreſſions: "Gentlemen may ſay what they pleaſe, of the multitudes now at the door, and in the avenues leading to this houſe: they may call them a modeſt multitude, if they will; but, whatever temper they were in when they came hither, it may be very much altered now, after having waited ſo long at our door: it may be a very eaſy matter for ſome deſigning ſeditious perſon to raiſe a tumult and diſorder among them; and when tumults are once begun, no man knows where they may end: he is a greater man than any I know in the nation, that could with the ſame eaſe oppoſe them: for this reaſon I muſt think, that it was neither prudent nor regular to uſe any methods for bringing ſuch multitudes to this place, under any pretence whatever: gentlemen may give them what name they think fit; it may be ſaid, that they come hither as humble ſupplicants; but I know whom the law calls

ſturdy

ſturdy beggars: and thoſe, who brought them hither, could not be certain, that they might not have behaved in the ſame manner."

The truth is, the houſe was ſurrounded with ſuch immenſe crowds of people, and thoſe too ſo noiſy and riotous, that, it was at the hazard of their lives, that any, who favoured the ſcheme, could either enter or come out. This was certainly an encroachment upon the freedom of parliament; nor could the rank or the intereſt of the parties alter the nature of the caſe.

The anti-courtiers, however, were ſo enraged at the ſevere reflections, which had been thrown out on their friends, and the abettors of the ſcheme was ſo incenſed at the inſolent treatment they had received from the crowd, that it was with great difficulty the houſe could be brought to ſuch a temper as to be capable of reſuming the debate.

At laſt Sir John Barnard ſtood up and ſaid, that he knew of no irregular or unfair methods that had been uſed to call people from the city to the door of the houſe: that it was certain, that any ſet of gentlemen or merchants might lawfully deſire their friends, they might even write letters, and they might even ſend thoſe letters by whom they

pleaſed, to deſire the merchants of figure and character to come down to the court of requeſts and to the lobby of the houſe, in order to ſolicit their friends and acquaintance againſt any ſcheme or project, which they thought might be prejudicial to them: that this was the undoubted right of the ſubject, and what had ever been practiced upon all occaſions; that the honourable gentleman had been pleaſed to talk of ſturdy beggars; he knew not what ſort of people might be now at the door, becauſe he had not lately been out of the houſe; but he believed they were the ſame ſort of people that were there, when he laſt entered; and then he could aſſure them, that he ſaw none but ſuch as deſerved the name of ſturdy beggars as little as the honourable gentleman himſelf, or any gentleman whatever: that it was well known, that the city of London was ſufficiently apprized of what was that day to come before the houſe; where they got their information he knew not; but he was very certain, that they had a right notion of the ſcheme, which had now been opened; and they were ſo generally and zealouſly bent againſt it, that whatever methods might have been uſed to call them hither, he was ſure it would have been impoſſible to have found any legal methods to have pre-

prevented their coming hither. After a long and obſtinate diſpute the motion was carried by a majority of two hundred and ſixty-ſix againſt two hundred and five. Several reſolutions were founded on the propoſal; and to thoſe the houſe agreed, though not without another violent conteſt. In the courſe of this ſecond debate, Sir Thomas Robinſon obſerved, in favour of the ſcheme, that it could not be denied, that it would contribute greatly to the relief of the land-holders of Great-Britain: that as long as he could remember, he had always heard the land tax complained of, as one of the moſt unequal and grievous of the public taxes; unequal, as it was only paid by a part of thoſe, who poſſeſſed the riches of the nation; and grievous, as there was no proſpect, that any one of this generation would have been relieved from the burden of it: that from the land tax alone ſixty four millions and a half had been raiſed ſince the revolution; and an eſtate of a thouſand pounds a year, fully ſeſſed, ſince that period, had paid ſix thouſand four hundred and fifty pounds; a ſum that amounted to near one ſixth part of the whole produce of ſuch an eſtate during that time, ſo that, by taking it at average, the land-holders of theſe eſtates, thus ſeſſed, had paid very near a ſixth

part

part of the groſs produce of their eſtates for forty-four years ſucceſſively; a contribution, which bore no manner of proportion to what had been paid by any other ſet of men, towards defraying the charges of government: that this had always been moſt juſtly conſidered as a grievance upon the land holders; yet now when a ſcheme was offered, which, as it appeared to him, would be a certain relief to the landed intereſt, a new language had been adopted, a new opinion ſtarted up, and prevailed at leaſt without doors, that the lands of Great Britain ſhould ſtill continue to bear that burthen, from which, till of late, all mankind were unanimous, they ought to be relieved.

After this and ſome other ſpeeches, a bill was ordered to be brought in agreeable to the reſolutions. Againſt this bill a petition was preſented by the lord mayor, aldermen and common council of London, who ſaid, that they preſumed in all humility to expreſs to the houſe, as they had already done, in ſome meaſure, by their inſtructions to their members, the univerſal ſenſe of the city, concerning any farther extenſion of the laws of exciſe: that the burden of taxes already impoſed on every branch of trade, however chearfully born, was ſeverely felt; but the petitioners apprehended, that this burthen

then would grow too heavy to be born, if it was encreaſed by ſuch vexatious and oppreſſive methods of levying and collecting the duties, as, they were aſſured by melancholy experience, the nature of all exciſes muſt neceſſarily produce: that the merchants, tradeſmen, and manufacturers of the kingdom, had ſupported themſelves under the preſſure of exciſe-laws now in force, by the comfortable and reaſonable expectation, that laws, which nothing but public neceſſity could be a motive to enact, would be repealed in favour of the trade of the kingdom and of the liberty of the ſubject, whenever that motive ſhould be removed, as, the petitioners preſumed it effectually was, by the undiſturbed tranquillity, which the nation enjoyed at home, and the general peace which was ſo firmly eſtabliſhed abroad: that if this expectation ſhould be diſappointed; if the exciſe-laws, inſtead of being repealed, were extended to other ſpecies of merchandize not yet exciſed, and a door opened for extending them to all; the petitioners could not, in juſtice to themſelves, to the merchants, tradeſmen, and manufacturers of the whole kingdom, and to the general intereſt of their country, conceal their apprehenſions, that the moſt fatal blow, which ever was given, would be given on this

this occaſion, to the trade and navigation of Great-Britain: that that great ſpring, from which the wealth and property of the ſubject flowed, would be obſtructed, and the mercantile part of the nation would become not only leſs able to trade to advantage, but unwilling to trade at all; ſince no perſon, who could enjoy all the privileges of a Britiſh ſubject out of trade, even with a ſmall fortune, would voluntarily reſign ſome of the moſt valuable of thoſe privileges, by ſubjecting himſelf to the laws of exciſe: that the petitioners were able to ſhew, that theſe apprehenſions were founded both in experience and reaſon; and therefore they hoped, that the houſe would be pleaſed to hear them by their council againſt the bill. This laſt requeſt was refuſed by a majority of two hundred and fourteen againſt one hundred and ninety-ſeven.

The ſuperiority of the court, however, in this important queſtion, was ſo inconſiderable, and the hopes of encreaſing it were ſo ſmall; the petition itſelf, being ſeconded by others of the like nature from Briſtol, Nottingham, Coventry, and moſt of the trading towns and corporations in the kingdom, had produced ſuch a violent clamour againſt the conduct of the adminiſtration;

ſtration; the minds of the people had, by various arts and contrivances, been wrought up to ſuch a pitch of fury and reſentment; and the fears of ſome popular commotion, if not a general rebellion, ſhould the bill paſs, were ſo ſtrong, that the miniſtry thought proper, for the preſent, to lay aſide the further proſecution of the ſcheme.

Accordingly, on the eleventh day of April, when a motion was made for reading the bill a ſecond time, Sir Robert Walpole propoſed, that it ſhould be put off till the twelfth day of June, in conſequence of which it was never after reſumed. The miſcarriage of the ſcheme was celebrated with public rejoicings in London and Weſtminſter: the Monument was illuminated: the miniſter was burned in effigie; and no ſpecies of brutal inſolence was omitted againſt the friends and abettors of the meaſure.

The behaviour of the rabble, during the whole progreſs of this affair, had been ſo intolerable, that the houſe could not fail expreſſing their indignation againſt it. They therefore reſolved, that the aſſaulting, inſulting, or menacing any member of the houſe, in coming to or going from it, upon account of his behaviour in parliament, was a high infringement of the privilege of the houſe, a moſt outrageous

and

and dangerous violation of the rights of parliament, and a high crime and misdemeanour. The same censure was passed against the assembling or coming of any number of persons, in a riotous, tumultuous, and disorderly manner, in order either to hinder or promote the passing of any bill or other matter, depending before the house.

Such was the conclusion of a project, which all candid and impartial reasoners believed would have contributed greatly to the interest of the fair trader, and to the encrease of the revenue; an opinion, indeed, which was so well founded, that the most exceptionable parts of the scheme have, in another shape, been since passed into a law; and that too at the request, and upon the application of those very persons, who were then most forward in opposing the measure; so prevalent frequently are sounds without sense over the minds of a heated and misguided populace.

The king had for some time reflected, with extreme concern, upon the low state of the Protestant interest in most of the nations of Europe. He saw, that the French had obtained a dangerous influence in the United Provinces, and that all the alliances between England and Holland would thereby,

in

PRINCE of ORANGE.

Engraved for Riders History of England

in ſome meaſure, be rendered ineffectual, unleſs ſuch an intereſt could be raiſed amongſt the Dutch, as might counter-ballance that of the court of Verſailles. In order the better to accompliſh this purpoſe, his majeſty reſolved to beſtow his eldeſt daughter, the princeſs royal, upon the prince of Orange; whoſe virtues and abilities might juſtly entitle him to ſuch a diſtinction, but whoſe power and fortune were greatly inferior to his high birth and generous ſpirit.

Accordingly, on the eighth day of May, his majeſty ſent a meſſage to the commons, importing, that having received, from the prince of Orange, propoſals for a marriage between the princeſs royal and the ſaid prince; and having been pleaſed to lend a favourable ear to theſe inſtances; he had thought proper to communicate the affair to his faithful commons: and as he made no doubt but this match would be to the general ſatisfaction of all his good ſubjects, he promiſed himſelf the aſſiſtance and concurrence of the houſe, in enabling him to give ſuch a portion to his eldeſt daughter, as ſhould be ſuitable to the preſent occaſion; and might contribute towards ſupporting, with honour and dignity, an alliance, that would tend ſo much to the farther ſecurity

of the Proteſtant ſucceſſion on the throne of theſe realms; and the farther ſtrengthening the Proteſtant intereſt on the continent of Europe.

This meſſage produced a very warm and affectionate addreſs from the commons, who immediately voted, that out of the money ariſing from the ſale of the lands in the iſland of St. Chriſtophers, his majeſty ſhould be empowered to apply the ſum of eighty thouſand pounds as a marriage-portion for his daughter; a reſolution, which ſoon after paſſed into a law.

The laſt affair, in this ſeſſion, which engaged the attention of the commons, was a queſtion concerning the conſtitution of their houſe. Lieutenant-general Wade, member for Bath, had been appointed governor of Fort William, Fort George, and Fort Auguſtus in Scotland. The point, therefore, in diſpute was, whether his accepting theſe offices had vacated his ſeat in parliament. The anti-courtiers were ſtrenuous in maintaining the affirmative; and in ſupport of their opinion they advanced a number of precedents. They ſaid, that, in the ſeventh of queen Anne, lord Shannon's ſeat for Arundel in Suſſex, was declared vacant, upon his accepting the office of deputy-governour of Dover-caſtle: that the ſame

was

was the caſe with the earl of Hertford in the ninth of the ſame reign; as alſo with general Sandwix in the ſeventh of his late majeſty; and even with the preſent gentleman, general Wade, in the month of January laſt, upon his being appointed governour of Berwick upon Tweed.

They therefore moved, that the accepting a commiſſion of governour or lieutenant-governour of any fort, citadel or garriſon, upon the military eſtabliſhment of Great-Britain, by any member of the houſe, who was an officer in the army, ſhould vacate his ſeat as member of parliament. The courtiers, on the other hand, maintained, that the promotion of an officer, already in the army, could never, with any propriety, be conſidered as a circumſtance that diſqualified him from ſitting in parliament. The queſtion being at laſt put was carried for the court by a majority of ninety-ſix againſt eighteen; and this determination has been regarded as deciſive of all ſucceeding caſes of the like nature.

Nothing of moment paſſed in the houſe of peers during this ſeſſion, except an inquiry into the conduct of the directors of the South ſea company, who were accuſed of having embezzled the money of that corporation; but, as no proof was attempt-

ed to be brought of this charge, and as the diſcuſſion of the matter would have been attended with more bad than good conſequences, the majority thought proper to poſtpone the ſcrutiny.

On the eleventh day of June the king came to the houſe of lords, and having given his aſſent to ſuch bills as were ready, he put an end to the ſeſſion by a ſhort ſpeech, in which, among other things, he ſaid, that he could not paſs by unobſerved the wicked endeavours that had been lately uſed to inflame the minds of the people, and, by the moſt unjuſt miſrepreſentations, to excite tumults and diſorders that almoſt threatened the peace of the kingdom; but he depended upon the force of truth, to remove the groundleſs jealouſies, which had been raiſed, of deſigns carrying on againſt the liberties of his people; and upon the known fidelity of his parliament to defeat and fruſtrate the expectations of ſuch as delighted in confuſion: that it was his inclination, and had always been his ſtudy, to preſerve the civil and religious rights of his ſubjects; and he hoped it would be their care to undeceive the deluded, and to make them ſenſible of the hazard they run of being unwarily drawn, by ſpecious pretences, into their own deſtruction.

A

A new war was about this time excited in Europe by a vacancy on the throne of Poland. Auguſtus, the ſecond, dying at Warſaw in the beginning of February, the neighbouring powers intereſted themſelves ſtrongly in the choice of a new ſovereign. The elector of Saxony, ſon to the late king, and Staniſlaus, whoſe daughter was married to the French monarch, declared themſelves candidates. The emperor, the Czarina, and the king of Pruſſia, eſpouſed the cauſe of the Saxon: the king of France ſupported the pretenſions of his father-in-law. The foreign miniſters at Warſaw forthwith begun to form intrigues among the electors; and the French ambaſſador exerted himſelf with ſo much induſtry and ſucceſs, that he ſoon engaged a majority of the Catholic dietines in the intereſts of Staniſlaus; while the Imperial and Ruſſian troops hovered on the frontiers of Poland. The French king was no ſooner informed, that the emperor had aſſembled a body of forces in Sileſia, than he ordered the duke of Berwick to advance to the Rhine with a numerous army, and take meaſures for entering Germany, in caſe the Imperialiſts ſhould penetrate in Poland.

Mean while Staniſlaus was ſtill at the French court, and his preſence in Poland

was indiſpenſably neceſſary; but how he ſhould get thither was a queſtion not eaſy to be ſolved. To go to Dunkirk on board the French fleet was a method extremely uncertain and hazardous; and to travel to Warſaw by land was judged abſolutely impracticable, as the road lay chiefly through an enemy's country. By a ſeries, however, of dextrous management and romantic adventures, Staniſlaus arrived at the capital of Poland on the eighth day of September, and continued undiſcovered, till he found it for his intereſt to appear in public. As the day of election approached, the Imperial, Ruſſian and Pruſſian miniſters, delivered in their ſeveral declarations, by way of proteſt againſt the contingent election of Staniſlaus as a perſon proſcribed, and rendered for ever incapable of wearing the crown.

The Ruſſian general Laſci entered Poland at the head of fifty thouſand men: the diet of the election were opened with the uſual ceremony: prince Wioſazowiſki, chief of the Saxon intereſt, retired to the other ſide of the Viſtula, with three thouſand men, including ſome of the nobility, who adhered to that party. Notwithſtanding this ſeceſſion, the primate proceeded to the election: Staniſlaus was unanimouſly choſen king;

king; and appeared in the electoral field, were he was received with loud acclamations. The oppoſite party ſoon encreaſed to ten thouſand men; proteſted againſt the election; and joined the Ruſſian army, which advanced by haſty marches.

King Staniſlaus, finding himſelf unable to contend with ſuch powerful adverſaries, retired, with the primate and French ambaſſador, to Dantzick, leaving the Palatine of Kiow at Warſaw. This general attacked the Saxon palace, which was inſtantly ſurrendered; and the ſoldiers and inhabitants plundered the houſes belonging to the grandees, who had declared for Auguſtus, as well as the Hotel of the Ruſſian ambaſſador.

Mean while the Poles, who had joined the Muſcovites, finding it impoſſible to paſs the Viſtula before the expiration of the time fixed for the ſeſſion of the diet, erected a kolo at Cracow, where the elector of Saxony was choſen and proclaimed by the biſhop of that place, king of Poland, under the name of Auguſtus the third, on the ſixth day of October. They afterwards croſſed the river; and the Palatine of Kiow, retiring towards Cracow, they took poſſeſſion of Warſaw, where, in their turn, they plundered the palaces

laces and houſes belonging to the oppoſite party.

During theſe tranſactions, the French king concluded a treaty with Spain and Sardinia, by which theſe powers engaged to declare war againſt the emperor. Manifeſtos were reciprocally publiſhed by all the parties at variance. The duke of Berwick paſſed the Rhine in October, and laid ſiege to Fort Kehl, which he ſoon reduced: then repaſſing the river he returned to Verſailles. The king of Sardinia, having declared war againſt the emperor, and being joined by a body of French troops, ſubdued Pavia, Pizzighitone, Cremona, Frezza, Secco, the fort of Fuentez, and made himſelf maſter of the whole dutchy of Milan.

His Imperial majeſty, dreading the effects of ſuch a powerful confederacy againſt him, offered to accommodate all differences with the crown of Spain, under the mediation of the king of England, and Mr. Keene, the Britiſh miniſter at Madrid, made propoſals for that purpoſe. Philip expreſſed his acknowledgements to the king of England; but declared that the emperor's advances were too late, and that his own reſolutions were already taken. Nevertheleſs he ſent orders to the count de Montijo, his ambaſſador at London, to acquaint his Britannic

tannic majeſty with the motives, which had induced him to adopt theſe meaſures.

In the mean time, he detached a powerful armament into Italy, where he reduced the whole kingdom of Naples, the ſovereignty of which was beſtowed upon the infant Don Carlos. The Venetians declared they would take no ſhare in the diſputes of Italy: the States-General ſigned a neutrality with the French king, for the Auſtrian Netherlands; and the Engliſh miniſtry ſeemed determined to obſerve the operations of the contending powers, without declaring in favour of either party.

The prince of Orange had arrived in England in the latter end of the foregoing year, in order to eſpouſe the princeſs-royal; and the marriage, which was for ſome time delayed on account of his being taken ill, was at laſt celebrated on the fourteenth day of March with great pomp and magnificence.

About this time the earl of Cheſterfield reſigned his place of lord-ſteward of his majeſty's houſhold. The duke of Bolton and the lord Cobham were deprived of their poſts in the army. The duke of Montroſe relinquiſhed his office of lord privy-ſeal of Scotland; and his example was followed by the lord Clinton, who parted with his places as one of the gentlemen of his majeſty's bed-

cham-

chamber, and lord-lieutenant of the county of Devon.

Though these removals and resignations were far from being popular, that inconvenience was amply compensated by some promotions in the law, which were highly to the satisfaction of the public. Mr. Talbot solicitor-general, one of the most accomplished lawyers and upright judges in the kingdom, was constituted lord-chancellor of Great-Britain, and created a peer of England. Sir Philip Yorke, attorney-general, was advanced to the office of lord chief justice of the King's Bench, and honoured with a peerage. The former was succeeded by Mr. afterwards Sir Dudley Rider: the latter by Mr. afterwards Sir John Willes.

The parliament meeting on the seventeenth day of January *, the king, in his speech to both houses, told them, that, though he was no way concerned in the war, which had broke out in Europe, except by the good offices he had employed among the contending powers, he could not remain an idle spectator of the present events, or be indifferent about the consequences of a war undertaken and supported by such a powerful confederacy. He said, he had thought proper to take time to examine the facts alledged on both sides, and to wait the result of

* A. D. 1734.

of the councils of thoſe powers, which were even more immediately intereſted in the conſequences of the rupture. He declared he would concert with his allies, more particularly with the States-general of the United Provinces, ſuch meaſures as ſhould be thought moſt adviſeable for their common ſafety, and for reſtoring the peace of Europe; that he ſhould order the eſtimates to be laid before them, of ſuch ſervices as demanded their preſent and immediate care: that the augmentation, which would be propoſed for the ſea-ſervice, would be very conſiderable; but he was confident, they would think it reaſonable and neceſſary: that he muſt particularly recommend to their care the debt of the navy, which had every year been laid before them; but, from the preſent circumſtances of the times, he believed, they would be perſuaded, that it now required ſome proviſion to be made for it; a thing that could not well be longer poſtponed, without manifeſt detriment to the public ſervice: that, as theſe extraordinary charges and expences were unavoidable, he made no doubt but they would effectually raiſe the ſupplies neceſſary for defraying them, with that readineſs and diſpatch, and with that juſt regard to the true intereſt of his people, which this parliament

ment had hitherto ſhewn upon all occaſions: that he hoped they would proceed in all their deliberations with ſuch temper and unanimity, and ſuch expedition in the public buſineſs, as might give him the ſooner an opportunity of taking the ſenſe of a new parliament: that he flattered himſelf his preſent reſolutions would meet with their hearty concurrence and approbation; and, whatever reſolutions might be thrown out againſt the conduct of the government, he was confident a little time would effectually remove all groundleſs jealouſies, and make it appear, that Great-Britain ought always to act that part, which the honour and intereſt of the nation called upon it to undertake.

The ſtate of parties in both houſes continued much the ſame as in the former ſeſſion. Addreſſes of thanks were preſented, in anſwer to his majeſty's ſpeech, after a few trifling objections advanced by the anti-courtiers. On the twenty-third day of January, the commons agreed to addreſs his majeſty for a copy of the treaty of Vienna. Sir John Ruſhout moved for another, deſiring, that the letters and inſtructions relating to the execution of the treaty of Seville, ſhould be ſubmitted to the inſpection of the houſe.

This motion was followed by a long and a violent debate. Sir William Younge obſerved,

ſerved, that the treaty of Seville, being prior to that of Vienna, letters and inſtructions relating to the former, could have no connection or concern with the latter: that nothing could be more improper than to call for papers, which might reveal the nature of any negociation that was then upon the carpet: that, nevertheleſs, if the houſe ſhould think fit to take the treaty of Seville under their conſideration, it might then be proper to call for any particular paper that might give light to their deliberations; but if they meant to confine their preſent inquiries to the treaty of Vienna, the motion now made was altogether improper.

Sir William Wyndham was of a different opinion. He thought, that the impoſſibility of carrying the treaty of Seville into execution gave riſe to the ſtipulations contained in the treaty of Vienna; and that they could not pretend to judge of the propriety of the latter, without having the papers that related to the former laid before the houſe.

He was anſwered by Sir Robert Walpole, who declared, that, if the houſe ſhould reſolve to go into a committee upon the ſtate of the nation, or, which, he ſaid, was the ſame thing, upon the conduct of the miniſter, he ſhould not oppoſe the laying any

papers before them for their information; but he thought the preſent motion altogether irregular, and only calculated to ſerve as a handle for declaiming againſt the government: that it was uſual for ſome people to make motions, rather with a view of fixing unjuſt ſuſpicions upon others, than of procuring to themſelves any neceſſary information; they made motions, in order to cut a figure in the votes, which were ſent to all parts of the nation, and to ſerve ſome particular end of their own; when a negative was put upon any ſuch motion, they were then ready to cry out, they would have relieved the people; they would have extricated them from all the difficulties in which you are involved; but the miniſtry denied them the means of doing it: that this was a piece of artful management; it was a ſort of parliamentary play, always practiſed by thoſe who oppoſed the meaſures of the adminiſtration; he remembered it as long as he remembered parliaments, and had, by his own experience, been acquainted with it; he could remember motions made with no other view, but to have a negative put upon them; and particularly at the beginning of a ſeſſion, the language among ſuch gentlemen always had been, "We muſt attack them; we muſt give them no reſt, "but

"but make motion after motion; if they "agree to any motion we make, it will "diſtreſs them; and if they put a negative "upon every one, it will render them odious "among the people:" that this, he might affirm, had always been the practice of thoſe, who were determined, at any rate, to oppoſe the adminiſtration; but, to ſay, that any one motion in parliament was refuſed by the miniſtry, was, in his opinion, very unparliamentary way of ſpeaking: that, when any motion was made every gentleman was at liberty to debate upon it, and either to agree or diſagree, as he thought reaſonable; that if it was rejected, it muſt be by a majority of the houſe, and became an act of the houſe; and to ſay, that what was an act of the houſe was an act of the miniſtry was not, he thought, talking in the language of parliament: that nothing could be more improper, than to call for papers that might interrupt negociations, which were then upon the carpet: that the treaty of Vienna was a wiſe and a prudent treaty, and laid England under no obligation but what ſhe was obliged, in the nature of things, to have fulfilled, though no ſuch treaty had ever exiſted: that he could not omit taking notice of the indecent manner in which ſome gentlemen thought proper to treat the admi-

niſtration; ſometimes, in the way of irony, at other times, by calling names, ſuch as a cowardly adminiſtration, a wheeling, ſhifting miniſtry; on the contrary, as he took it, the great quarrel among them was, that the adminiſtration had not been ſhifted: that, though he could not agree with the gentlemen, who alledged, that the nation was, at preſent, in a moſt unhappy ſituation, he yet allowed, that the affairs of Europe were not, at that juncture, in a very deſirable poſture; and if the errors or miſmanagement of any of the Britiſh miniſtry had contributed, in the leaſt, to the preſent troubles of Europe, he muſt think, that they very little deſerved to ſerve the crown; but that, really by the manner, in which ſome gentlemen talked, one would imagine, that the miniſters of England were the miniſters of Europe; or, that madneſs and folly reigned in this court, and the moſt profound wiſdom prevailed in all others.

He was ſupported by Mr. Pelham and Mr. Scrope, who obſerved, that there was in the Engliſh conſtitution an executive, as well as a legiſlative and judiciary power; and that the executive power being veſted in the king, it would be impoſſible to render it effectual, if the people, in their collective or repreſentative capacity, ſhould be judges of the

the means of carrying it into effect, as these consisted in papers and in the acts of the ministers employed by the sovereign: that the government of Great Britain was the freest under the sun; yet was it frequently obliged to treat with persons, who had very different ideas of the rights of the people; and as that necessity was absolute, the ministry must either forego all treating, or throw their cabinets open to all the world; expose private promises and engagements; and, as possibly might be the case in the present question, subject themselves to censure, for adopting measures, which, when partially seen, might appear unjustifiable, but which, when then considered in their full extent, might be highly beneficial to their country.

Mr. Danvers, a friend to the administration, and a man of wit and humour, added, that the house might very well address his majesty to lay his whole cabinet of papers open to the inspection of the house, or to agree with the motion: that notwithstanding all the pretences, and even all the endeavours of the minority, the people of England were friends to the minister; and it evidently appeared, that the only dispute in parliament was, who should be minister. The question being at last put, was carried

in the negative, by a majority of one hundred and ninety-five againſt one hundred and four.

The oppoſition, not diſcouraged by this defeat, reſolved to renew their attacks againſt the adminiſtration. On the twenty-fifth day of January, Mr. Sandys moved, that an addreſs ſhould be preſented to his majeſty, entreating him to communicate, for the peruſal of the houſe, the ſeveral inſtructions, ſent to Mr. Woodward, his majeſty's miniſter in Poland in the year 1729. The intention of this motion was to ſtrengthen the report, which the minority had raiſed, that the Britiſh miniſtry had not only favoured the election of Staniſlaus, but had even entered into a ſecret engagement with France to aſſiſt her in ſupporting him on the Poliſh throne.

Mr. Sandys was ſeconded by Sir William Wyndham, who alledged, that the motion implied no diſreſpect to his majeſty, but only tended to lay open the conduct of the miniſter; for which purpoſe the papers required might be abſolutely neceſſary: that this he ſaid, in order to obviate the arguments that might poſſibly be urged in favour of the miniſtry, as if the motion was unneceſſary and diſreſpectful, becauſe his majeſty, at the opening of the parliament, had told them, that he

was

was no wiſe engaged in the war, and had no concern, except by his good offices, in thoſe tranſactions, which had been declared to be the principal cauſes and motives of the rupture: that, in a conſtitutional ſenſe, the ſpeech of the king was to be conſidered by the houſe as the ſpeech of the miniſter; and that the houſe had even a right to inquire, whether his majeſty's declarations were, or were not agreeable to truth: that it was well known the States-General had concluded a treaty of neutrality without the knowledge or conſent of England; a circumſtance, which ſeemed to imply a diſtruſt of the Britiſh power, or, at leaſt, a ſuſpicion, that they could not, with ſafety, place any confidence in the councils of the Britiſh miniſtry.

Theſe allegations were anſwered by Sir Robert Walpole, who ſaid, he did not deny that the king's ſpeech, was to be conſidered as the ſpeech of the miniſter; but ſtill, he thought it ought to be treated with decency, as it was ſtamped with the ſanction of his majeſty's name; and that, in any event, it was both unjuſt and unparliamentary to arraign it of falſhood, without producing any one charge againſt it, except ſuch as were founded upon bare ſurmiſes and vain ſuppoſitions: that it plainly appeared, that all

the

the late motions for papers, were calculated to plunge the nation into a war, and engage it in a quarrel, in which it had little or no concern; and that too, at a juncture, when there was the greatest reason for proceeding with caution and deliberation: that, he believed, it would be found in the end, that the present situation of England was the very best in which she could possibly be, with regard to the troubles that had lately broke out in Europe: that the gentleman, who spoke last, had thought proper to mention the States of Holland, and affirmed they had done something for their own security; it was true, they had done something; they had entered into a treaty of neutrality; whereas the English had remained entirely in a state of inaction; but, on that very account, he thought, the English were in a much better condition than the Dutch: that, by that neutrality, the Dutch had engaged not to act at all, nor to concern themselves in the present war; the English were still at liberty, and might, on any event, take that part, which should then appear most for the interest of Great-Britain.

In the course of the debate, Mr. Pulteney reflected on the scandalous decisions, as he called them, of majorities in parliament; and inveighed, with great severity, against the majority, who had rejected

jected the two late motions, and whom he ſuppoſed were entirely influenced and directed by the miniſter. This charge, though not inconſiſtent with the rules of parliament, was one of the blackeſt that could poſſibly be imagined; and was altogether unjuſtifiable, as it was not ſupported with even the leaſt ſhadow of proof. It overturned every barrier of the conſtitution, and deſtroyed the very firſt principles of government, which, in almoſt all judicial proceedings, has no other rule of determination, than that of a majority.

The nation was at that time daily peſtered with papers and pamphlets, which roundly aſſerted, that every member, who voted for the miniſtry was a mercenary hireling, and ſold his voice for the ſake of ſome place, which he either enjoyed or expected. Liſts had been publiſhed, and circulated through the kingdom, of all thoſe, who voted for the exciſe ſcheme, with catalogues of the poſts, which they poſſeſſed under the government. This expedient had produced a ſurprizing effect upon the minds of the people, who were taught to believe, that every member, who had not a place, and yet voted for the miniſtry, received a penſion or ſome other gratuity.

Sir Robert Walpole thought this a proper time for refuting a charge, at once ſo un-

unjuſt and injurious. He ſaid, that an honourable gentleman, who ſpoke ſome time ago, had taken a great deal of liberty in talking of majorities; but he would have gentlemen to know, that, when they talked of ſuch majorities at preſent, they ſpoke of their equals, as members of this houſe; of their equals, on any ground in England: that let gentlemen but caſt their eyes round the houſe, and they would find a number of gentlemen, ſuperior to the higheſt number of their minority, who could as little be ſuſpected of corruption, as any of thoſe, who generally appeared on the oppoſite ſide of the queſtion: that it was eaſy for gentlemen to repreſent the meaſures, lately taken by the government, as unwiſe, abſurd, and detrimental to the public; but when the day came for inquiring into theſe meaſures; a day, which he has heartily wiſhed for as any member in the houſe; he believed they would appear in a quite different light; and thoſe gentlemen, who might, perhaps, have hearkened to every little whiſper of ſome of the foreign miniſters at this court; whiſpers, which were, he believed, the only foundation for what they had aſſerted, would find themſelves ſorely diſappointed: that, whenever ſuch an inquiry ſhould be reſolved on, he doubted not, but the majority of this houſe would agree to call for every paper, that could be thought neceſſary for giving a full infor-

information of the ſtate of the nation: that this, however, was not the queſtion at preſent, nor were they now to inquire, whether his majeſty had any ſhare in theſe tranſactions, which had given occaſion to the preſent war; and, therefore, he could not think they had, at preſent, any thing to do with any inſtructions to his majeſty's miniſters in Poland, or elſewhere: that his majeſty, it was true, expected the aſſiſtance of his parliament; but for what? he did not immediately expect ſuch an aſſiſtance, as might enable him to take any ſhare in the preſent war; he wanted only ſuch as might enable him to put the nation in a proper poſture of defence; and ſurely they might determine what would be neceſſary for that end, without inquiring into any of our foreign negociations: that it was for this reaſon he thought the houſe had done right in rejecting all the motions, hitherto made, for letters and inſtructions relating to our foreign affairs; and for the ſame reaſon, he made no doubt, but they would reject the preſent motion. After theſe and ſome other ſpeeches, the queſtion was carried in favour of the court by a majority of eighty-eight voices.

When the commons deliberated upon the ſupply, Mr. Andrews, deputy-paymaſter to the army, moved for an addition of eighteen hundred men to the number of land-forces,

forces, which had been continued ſince the preceding war. This augmentation, however inconſiderable, and indeed unequal to the preſent occaſion, was violently diſputed by the members in the oppoſition; but all their arguments were ſo weak and frivolous, that the houſe agreed to the motion by a great majority.

As this was ſuppoſed to be the laſt ſeſſion of the preſent parliament, the anti-courtiers endeavoured to render the miniſtry as unpopular as poſſible, in hopes of being able, by that means to encreaſe their numbers at the next election. The removal of the duke of Bolton and lord Cobham from their regiments was repreſented as an arbitrary act of the miniſter, who was determined, they ſaid, to garble the army to his own mind, and to ſuffer no officer to continue in it, who ſhould dare to vote againſt him in either houſe of parliament.

In order to remedy this pretended evil, the lord Morpeth moved, that leave ſhould be given to bring in a bill to prevent any commiſſion-officer, not above the rank of colonel, from being removed, unleſs by a court-martial, or by addreſs of either houſe of parliament. To ſupport this abſurd and extravagant motion, his lordſhip had recourſe to the governments of foreign countries

tries, and particularly mentioned the example of Holland and Sweden. In the former country, he ſaid, no officer could be broken without the ſentence of a court-martial; and in the latter, none could be removed from his commiſſion, without the conſent of the ſenate. He was ſeconded by Sir John Ruſhout, who ſaid, that there was then upwards of forty officers of the army members of that houſe, and it was ſecuring their independency upon the miniſter, by the houſe agreeing to the motion.

Theſe arguments were anſwered by Mr. Clutterbuck, who obſerved, that the conſtitution of Holland, without a ſtadtholder, did not admit of any power, that could arbitrarily remove officers, becauſe, when the army was there raiſed, it was the army of the States-General of the United Provinces, which conſiſted of a variety of juriſdictions; but, when the government was lodged in a ſtadtholder, that magiſtrate, had the ſame power over their army, as a king of England had over his: that, with regard to Sweden, it was plain his lordſhip was miſtaken, through his ignorance of the conſtitution of that country, where the ſupreme power, was, in fact, veſted, not in the king, but in the ſenate, which was no other than a committee of twelve, choſen out the eſtates of parliament of that kingdom, in

order to controul the king in all actions that related to the public: that the motion, now made, could not be approved, without committing a dangerous encroachment on the prerogative, and even on the conſtitution, which always ſuppoſed, that the liberties of the people were ſafe, while the king commanded, and the parliament paid, the army: that the neceſſity of preſerving this branch of the prerogative ſacred and inviolable would appear the more plainly, when it was conſidered, that an officer might be guilty of many crimes, which might make it highly proper for his majeſty to remove him; and yet they might be of ſuch a nature as could not be proved, nor come under the cognizance of a court martial: that diſaffection, for inſtance, was a crime, which, though of the moſt dangerous tendency in an officer, and univerſally known to be chargeable upon him, might yet be ſo artfully concealed, and be ſo difficult to be proved to the ſatisfaction of a court martial, that they could not, on that account, be induced to remove him from his poſt in the army.

Colonel Bladen added, that ſhould the motion take place, and if the gentlemen who ſupported it, were really ſerious in their profeſſions, he ſhould begin to believe the reports he had heard, that ſome people were en-

endeavouring to introduce a Commonwealth: that, for his own part, he never heard any motion, which tended ſo directly towards a Commonwealth, except ſome of thoſe famous motions, which were made in the commencement of the civil wars; and he was perſuaded that this motion, ſhould it ſucceed, would be attended with the ſame conſequences.

The next that ſpoke on the ſame ſide of the queſtion was Sir Thomas Robinſon, who obſerved, that, even after the Revolution, when the thoughts of the beſt patriots of England were employed in deviſing the means of bounding the prerogative, no ſuch propoſition, as that contained in the motion, had ever entered into any one's head: that, in his opinion, the great danger, which ought to be guarded againſt in all armies, was any attempt to render themſelves independent; and therefore, by the wiſdom of the legiſlature, the Britiſh army was ſo wiſely conſtituted, as to be dependent on the annual votes of the commons, not only for its ſubſiſtance and continuance, but even with regard to the number of which it ſhould conſiſt: that with reſpect to the nomination of the officers, it had always been veſted in the crown, as it was highly proper it ſhould; the officers had ever been left dependent on the king, whoſe perſon they were obliged to defend, and whoſe govern-

ment they were intended to ſupport: that this led him to conſider, in whom the advocates for the motion propoſed to lodge this power, this important branch of the prerogative, which was to be lopped from the crown by this military project: that, as the prerogative was to be diminiſhed, one would naturally have imagined, that the power of the people was intended to be encreaſed; but this was far from being the caſe; it was to be transferred from the crown, not to the people, but to the army, and lodged in the officers themſelves, who, from that moment, would be independent of the crown, and, in time, perhaps of all other authority: that one of the greateſt reſtraints upon the army was this very power, which the king had, of diſplacing officers, who might be ſuſpected of bad intentions; but give it the officers themſelves, and what ſecurity ſhould the nation have for their future behaviour? that, in ſhort, they ſhould then have raiſed a power in ſupport of the military eſtabliſhment; for, by thus removing this neceſſary check upon the officers, a diſtant time might come, when the nation, with reaſon, might be jealous of an army, in whoſe hands the parliament ſhould have put a power ſufficient to enable them to get the better both of king and parliament,

and

and to ſet up a new conſtitution of their own; whereas, while the army continued in the ſtate, in which it was at preſent, there was little danger to be apprehended, ſhould it ever have the raſhneſs to attempt any thing againſt either.

He was ſupported by Mr. Winnington, who ſaid, that he could not let the queſtion paſs without expreſſing his abhorrence of the motion: that he really thought it the moſt monſtrous motion, he ever heard ſince he had the honour to ſit in parliament: that gentlemen might ſay an army was no part of the Britiſh conſtitution; but, if the propoſition, now made, ſhould be approved, the whole of that conſtitution would ſoon be at the mercy of the army: that, at preſent, the officers depended on the king for their commiſſions, and the army itſelf upon the parliament, for its continuance and pay; but, if the parliament ſhould once make the officers independent of the crown, and give them a ſort of freehold in their commiſſions, they would ſoon make both king and parliament depend upon them: that, if both king and parliament ſhould think it proper to make a reduction of any part of the army, did the houſe imagine, that theſe gentlemen, with their ſwords in their hands, would be willing to comply, and re-

tire to their reſpective houſes at the deſire of the commons? No; they would then tell the commons, their commiſſions were for life; they were their freehold; a law of the parliament had made them ſo; and they ſhould not take them from them unleſs they had been guilty of ſome crime; if they had, let a court-martial be called; let them be tried in that way, which the law preſcribed; and if they were found guilty they would ſubmit: that this, they might reaſonably ſuppoſe, would be the language of thoſe, whom they had a mind to reduce; and, in ſuch a caſe, gentlemen might eaſily gueſs, what redreſs the nation could expect from a court martial.

The debate was concluded by Sir Robert Walpole, who affirmed, that the motion tended towards reducing the government to a ſtratocracy or military conſtitution: that the proviſion, left by the motion, for enabling the king to remove generals, would be very ineffectual, if he were bound up from removing inferior officers, who depended upon, or were connected with that general, in whom all the danger lay: that the two noblemen, lately removed, had been ſucceeded by two others (meaning the duke of Argyle and the earl of Pembroke) of as great eſtates, of as good families, and

of

of as untainted characters, as any gentlemen in the kingdom: that this motion, ſhould it be approved, would eſtabliſh the very crimes, which were pretended by the Tories for removing the great duke of Marlborough from his command; namely, that he was endeavouring to render himſelf general for life, was too great for his miſtreſs, had thrown off all dependence upon the crown, and aimed at making himſelf perpetual dictator: that, in order to give ſome colour to this calumny, he remembered, that a certain gentleman of thoſe days (meaning lord Bolingbroke) ſent a large preſent to Mr. Booth, and told him, it was for the part he acted in Cato againſt a perpetual dictator: that this ſhewed, it was then conſidered as a great crime in an officer to make himſelf independent of the crown; and why it ſhould now appear in a light ſo different, as to induce the people to think it neceſſary to frame a law for that very purpoſe, he could not imagine: that he knew, that great endeavours had been of late uſed to make it believed abroad, that this was a divided nation, and the people diſaffected: that hitherto, however, all ſuch endeavours had proved ineffectual; but, if this propoſition ſhould paſs into a law, would not foreigners believe what they had heard?

heard? They could not imagine, that the depriving two colonels of their regiments could have produced such a law; but would naturally say, that what they had heard they now saw verified; the parliament had no confidence in the king, and had therefore taken from him that power, which his predecessors enjoyed: was this, he asked, an opinion, which they ought to propagate among their neighbours abroad at any time, but especially at this juncture, when a firm belief of the unanimity and strength of the kingdom, might be so necessary for preserving a just balance of power in Europe, and consequently the very being of this nation? that, in a word, the regulation proposed could do no good; it might produce a multitude of evils; and therefore he thought they should all say, on this occasion, what their forefathers had said on another, *Nolumus leges Angliæ mutari.*

These arguments were deemed so satisfactory, that the question being put was carried in the negative without a division. The truth is, the minority neither expected nor desired, that the motion should succeed. Their only intention, in making it, was, to have an opportunity of inveighing against the minister, and of introducing another motion, which was more directly levelled at

at his power and authority. The debate was no ſooner finiſhed, than Mr. Sandys moved for an addreſs to the king, deſiring to know, who adviſed his majeſty to remove the duke of Bolton and lord Cobham from their reſpective regiments; and what crimes were laid to their charge.

Though this motion was as unſucceſsful as the former, yet was it regular and conſtitutional. Motions of the ſame nature had been frequently made in parliament upon the ſame or ſimilar occaſions. The king, it was well known, could do no wrong; and therefore, when any crime was committed by the government, the fault was imputed, and juſtly imputed to the miniſter, who alone could be called to account.

The minority were ſenſible of this advantage, and availed themſelves of it with great dexterity and addreſs. Many ſevere and invidious reflections were thrown out on the conduct of the adminiſtration. Sir William Wyndham ſaid, that, ſhould any miniſter ſo far engroſs the royal ear, as to be able to perſuade his maſter to diſmiſs a faithful and approved ſervant, merely for oppoſing his wicked ſchemes, the king, inſtead of being the firſt man, would only be the firſt ſlave in the nation. But neither this nor ſeveral other bitter invectives, that were

were poured forth againſt the miniſtry, could provoke them into a reply. They knew, that ſuch a ſtep would have drawn on a long, tedious and inſignificant diſpute. They therefore called for the queſtion, and the motion was rejected by a majority of one hundred and one voices.

The next ſource of contention was a bill for ſecuring the freedom of parliament, by limiting the number of officers in the houſe of commons. It was read a firſt and a ſecond time; but, when a motion was made for its being committed, it met with a violent oppoſition, and produced a warm debate, that iſſued in a queſtion, which, like the former, paſſed in the negative.

A bill, however, paſſed, prohibiting the pernicious practice of ſtock-jobbing; to the great diſappointment of the minority, who propoſed it, and who had always aſſerted, that the principal part of the miniſter's income, and of that of his friends, aroſe from trading in the ſtocks; and that, as he was in the ſecret of affairs, both at home and abroad, he made uſe of his knowledge to influence the funds, in the manner he thought moſt advantageous to himſelf and his creatures. This imputation, which was at once ſo injurious to his character and falſe in fact, he treated with a becoming diſdain,

by

by ſuffering the bill to paſs, even though ſome parts of it were contrary to his private judgement.

But the ſubject, which, of all others, in the courſe of this ſeſſion, produced the moſt violent debate between the two parties, was a motion, made by Mr. Bromley, for repealing the act for ſeptennial parliaments.

In ſupport of this motion, he alledged, that the reaſons for prolonging the ſitting of parliaments from three to ſeven years were now at an end: that the people, in general, looked upon ſeptennial parliaments as a grievance, and innovation in the conſtitution: that he begged leave to remind the houſe of the act made in the ſixteenth of Charles the ſecond, which wiſely provided againſt the too long continuance of one and the ſame parliament, by ordaining, that a new parliament ſhould be called once in three years, or oftener, if need required: that this act was expreſsly confirmed by the bill of rights: that, from the time of the revolution to the firſt year of the late king, no parliament had ſet above three years, and ſome only one ſeſſion: that he thought triennial parliaments were more grievous than annual ones; and conſequently ſeptennial parliaments muſt be doubly more grievous than

thoſe

thoſe which laſted only three years: that, ſuppoſing he ſhould be miſtaken in this point, which, nevertheleſs he could never admit without due conviction, the argument in the preamble to the ſeptennial bill was altogether inapplicable to the preſent times: that the act againſt bribery and corruption, which muſt ever redound to the honour of the preſent parliament, would neceſſarily remedy that evil; that glorious law would prevent corruption in the electors; nothing but the frequent return of new parliaments could prevent it in the elected; and therefore, in order to effectuate this purpoſe, he moved, that leave ſhould be given to bring in a bill for repealing the ſeptennial act, and for the more frequent meeting and calling of parliaments.

He was ſeconded by Sir John St. Aubin, knight of the ſhire for Cornwall, a gentleman of conſiderable influence in the houſe, and who had few or no enemies among either party. He gave a kind of hiſtorical detail of the duration of parliaments from the time of Henry the eighth; ſhewed how triennial parliaments came to be loſt by the revival of the ſeptennial act; and endeavoured to prove, that ſeptennial parliaments were more proper than triennial ones for the purpoſes of a wicked miniſter; and that, in pro-

proportion to the frequency of parliaments, they were more advantageous both to the king and the people.

The motion was oppoſed by Mr. Conduit, who affirmed, that the prerogatives of the kings of England, and the liberties of the people, were very different from what they had been in former times: that the heavy complaints againſt Charles the firſt, and his ſon James the ſecond, did not ariſe from their continuing the ſame parliament too long, but from their not calling or holding any parliament at all: that the miniſtry could more eaſily manage a triennial than a ſeptennial parliament: that, in thoſe of the laſt kind, it had been ſeen, that a ſmall minority againſt the miniſter at the beginning of the parliament, had frequently encreaſed to a conſiderable ſtrength, and ſometimes had almoſt come to a majority, before the concluſion of it: that, in his opinion, the diſpoſal of poſts and places rather weakened than ſtrengthened the crown; becauſe, as there were three or four candidates for every place, a greater number muſt neceſſarily fail than could poſſibly ſucceed; and the former were ſure from thenceforth to become the declared and inveterate enemies of the court: that the reaſons for paſſing the ſeptennial act ſtill exiſted: that

one of thoſe reaſons was, the ſpirit of Jacobitiſm, which prevailed at the time of paſſing that act; and he thought the great diſcontents, which had lately broke out in the nation, had in them a conſiderable mixture of Jacobitiſm.

Mr. Conduit was ſupported by Sir Thomas Robinſon, who maintained, that the expence of chuſing triennial parliaments would fall much heavier upon the public than that of chooſing triennial ones: that during the twenty-one years, that triennial parliaments continued, they had been found to be attended with great inconveniences; whereas, during the eighteen years that ſeptennial parliaments had laſted, many excellent laws had been paſſed, and many wiſe regulations formed for the good of the people: that when gentlemen ſpoke of the conſtitution of England in general, they ſpoke in very vague terms; becauſe the conſtitution of England never was fixed till the time of the revolution: that, in the longeſt parliament that ever ſat in England, which met in the reign of Charles the ſecond, the longer they ſat, the more averſe did they become to the meaſures of the court; and that averſion ſtill continued to encreaſe, notwithſtanding the utmoſt efforts of the court to ſeduce them: that by parity

of

of reaſon, ſeptennial parliaments muſt be more favourable than triennial ones to public liberty: that he thought a deſire to revert back to the practice of remote antiquity, in that particular, might be compared to a man in his full growth and ſtrength deſiring to return back to his childhood: that, if antiquity was to be the only rule, a ſeſſion of parliament ought ſeldom or never to continue above twenty days; for parliaments, in former times, had not buſineſs to employ them longer: that, in fact, the whole form of the conſtitution had been altered ſince that period, by the alterations introduced into the modes of property, and by the multiplication of buſineſs, through the encreaſe of agriculture, arts, manufactures, and commerce: that, ſhould the nation paſs it into an act, it would have a very bad effect upon all foreign negociations; becauſe foreign miniſters, in their dealings with Great-Britain, and with other nations likewiſe, were greatly influenced by the ſentiments of a Britiſh parliament; but ſhould they have thoſe to conſult anew every three years, they would not know how to determine themſelves in many points of the greateſt importance.

The next that ſpoke on the ſame ſide of the queſtion, was Sir John Willes, attorney-

general, who obſerved, that, if any time was to be fixed upon for imitating the old conſtitution in regard to parliaments, they were not ſurely to take the time, when the conſtitution was weak and in its infancy; they were certainly to chuſe that time, when it was come to its full ſtrength and vigour, which, in his opinion, was the preſent: that, as gentlemen had mentioned the claim of right, he begged they would examine how it ſtood at that time; for, he was perſuaded, it would be allowed by every gentleman in the houſe, that, after that claim was ſettled and confirmed, the conſtitution was more vigorous than ever it was before that period: that, nevertheleſs, even in the claim of rights, there was no mention made of frequent new parliaments; it was ordered, that, for redreſs of grievances, and for amending, ſtrengthening, and preſerving the laws, parliaments ought to be held frequently; but it was not ſo much as inſinuated, that every one of theſe parliaments ought to be a new one: that, with regard to the frequency of parliaments, he was ſure there never was leſs reaſon for complaint than ſince the ſeptennial bill paſſed; for, ever ſince that time, the ſeſſions had been regularly held, and all of them had been allowed to ſit as long as they had any buſineſs

to

to employ them: that even the triennial act was not obtained upon the principles of liberty, but in order to diſtreſs king William and the friends of the revolution: that the tranſition of the conſtitution from triennial to ſeptennial parliaments, was in itſelf a right meaſure, and agreeable to the true principles of the Engliſh government, independent of any temporary conſideration: that it was owing to the inconveniences king William ſuffered from triennial parliaments, that he was forced, in ſo diſadvantageous a manner, to terminate the war with France, when he might have carried it on with ſo much glory and advantage to the liberties of Europe: that to the ſame cauſe were owing the dangerous treaties of partition, which that monarch was obliged to conclude towards the latter end of his reign, and of which ſuch loud and general complaints were raiſed: that with regard to the objection, that the elected, during a long parliament, were apt to loſe their dependence on their conſtituents; a thing that could never happen, if parliaments were annual; he begged leave to remark, that all the members of the houſe had a dependence upon the people for their election; this was a thing, which he would readily grant; but, after they were choſen, and had taken their ſeats in the houſe, they

had no longer any dependence on their electors, at leaſt in ſo far as regarded their behaviour in parliament: that the whole power of the electors was then devolved upon the members, who, in every queſtion that came before the houſe, were to regard only the public good in general, and to determine according to their own judgements; if they did not; if they were to depend upon their electors, and to follow blindly the inſtructions they ſent them, they could not be ſaid to act freely; nor could ſuch parliaments be called free parliaments; that ſuch a dependence would be a moſt dangerous dependence; it would, in his opinion, be more dangerous, and of worſe conſequence, than a dependence upon the crown: for in a dependence on the crown he could ſee no danger, as long as the intereſt of the crown was made the ſame with that of the people, which every man would allow to be the caſe at preſent; whereas the inhabitants of any county, city, or borough were very liable to be miſled, and might often be induced to give inſtructions directly contrary to the intereſt of their country: that as to the caſe of bribery and corruption, he believed they would be found to be much more formidable in ſound than in reality: that people uſually ſuppoſed, that corruption

tion was only of one ſort; but this was a miſtake; it appeared in many ſhapes; a man might be bribed without giving him money; and even members of this houſe might be bribed without getting any place or preferment under the government: that, if any gentleman, to pleaſe his borough, and to ſecure his own election, ſhould act contrary to his own judgement, it was as downright a bribery, as if he had got a penſion, a place, or preferment from the court; and he looked upon this as one of the very worſt ſorts of corruption: that ſeptennial parliaments had been found by experience to be greatly preferable to triennial ones, which laſt never failed, once in three years, to ſet the whole body of the people mad with rioting and drunkenneſs, to the infinite prejudice of their morals, and the peace of the country, as well as of all trades and manufactures: that he had, of late, had opportunities of being in as many, or more, boroughs as any gentleman of the houſe; and he had found them all very well inclined towards the preſent adminiſtration, without wiſhing to ſee any other than ſeptennial parliaments.

Though nothing could be more conſtitutional than the doctrine, laid down by the attorney-general, with regard to the indepen-

dency

pendency of members upon their conſtituents after their election; this maxim gave ſo much offence to Sir John Barnard, that he thought proper to anſwer it in a particular ſpeech. He ſaid, that the honourable and learned gentleman, who ſpoke laſt, had advanced a doctrine, which he thought altogether new; namely, that the members had no further dependence upon their electors, after they had taken their ſeats in parliament; nay, that a dependence upon them would be more dangerous than a dependence on the crown: that this was really, in his opinion, ſomething very extraordinary; and, though that gentleman might perhaps like the one better than the other, yet he ſhould always conſider a dependence on the people of England, or even upon thoſe he repreſented, as leſs dangerous and more honourable than a dependence upon the crown: that he valued himſelf more on the honour he had had of ſitting in the houſe for two parliaments as one of the repreſentatives of the people of England, and by the free and uncorrupted choice of thoſe he repreſented, than he ſhould do on the greateſt honours the crown could beſtow; though, indeed, if he had obtained his ſeat in the houſe by bribery, or the illegal and corrupt influence of any great miniſter, he ſhould look upon it

it in a very different light; he ſhould look upon it as one of the moſt diſgraceful ſtations in which he could be placed.

The attorney-general was defended by Sir William Young, who obſerved, that his learned friend had happened to make an obſervation, which he ſtill thought a very juſt one; namely, that after the members were returned, and had taken their ſeats in the houſe, they ought not any longer to have dependence upon thoſe they repreſented: that the honourable gentleman, who ſpoke laſt, had thought proper to controvert this maxim, and had called it a new and an extraordinary doctrine: that with regard to the obſervation made by his learned friend, he certainly meant, and he believed almoſt every gentleman underſtood him to mean, that after the members had taken their ſeats in the houſe, they ought, every one of them, to look upon themſelves as one of the repreſentatives of the whole body of the commons of England; and ought not to have any particular byaſs for the county, city, or borough they repreſented: that this was ſo far from being a doctrine very extraordinary, or altogether new, that he wiſhed every gentleman in the houſe would make it a ſtanding rule for his conduct: that he could not help obſerving, that there were ſome gentlemen

tlemen in the houſe, who, on many occaſions, confined their thoughts too much to the particular county, city, or borough they repreſented; but ſurely they muſt be ſenſible, that many things might happen in parliament which might be for the intereſt of the nation in general, though they might not, perhaps, tally ſo exactly with the particular intereſts of London, Liverpoole, Briſtol, or the like cities; and, in ſuch a caſe, the gentlemen muſt certainly grant, that, as members of parliament, they ought to drop not only their dependence upon, but even their concern for, the particular city they repreſented, in order to concur with the reſt of the members in what they judged to be for the general intereſt of the nation. At laſt, the ſubject being entirely exhauſted, the queſtion was put, and carried in the negative by a majority of two hundred and forty-ſeven againſt one hundred and eighty-four.

The minority had all along pretended to give out, that, conſidering the large and ſpeedy ſupplies, which his majeſty had received in the courſe of this ſeſſion, the crown would have no occaſion to trouble the houſe with any vote of credit. The miniſtry thought it needleſs to contradict this report; conſcious, that, from the ſtate of affairs

affairs in Europe, the unprejudiced part of the nation were fully convinced, that ſuch a vote would be abſolutely unneceſſary.

Accordingly, on the twenty-eighth day of March, Sir Robert Walpole, delivered a meſſage to the houſe, importing, that, as the war, which had lately broke out in Europe, ſtill continued to rage, his majeſty hoped, he might be enabled to augment his forces, if ſuch an augmentation ſhould be found neceſſary, between the diſſolution of this parliament and the election of another. This meſſage occaſioned a violent diſpute, notwithſtanding which the majority complied with it; and in conſequence of another meſſage, they prepared and paſſed a bill impowering his majeſty to ſettle an annuity of five thouſand pounds for life on the princeſs royal, as a mark of his paternal favour and affection.

The oppoſition, though more ſtrong, was not more ſucceſsful in the upper than in the lower houſe. The duke of Marlborough made a motion for a bill to regulate the army, equivalent to that, which had been rejected by the commons; and, after a warm diſpute, it met with the ſame fate.

Then the lord Carteret moved for an addreſs to the king, that he would be graciouſly pleaſed to acquaint the houſe, who ad-

adviſed his majeſty to remove the duke of Bolton and lord Cobham from their regiments; and what crimes were laid to their charge. This propoſal was likewiſe rejected, at the end of a debate, in which the duke of Argyle obſerved, that, though two lords had been removed, only one officer had loſt his commiſſion. This was meant of the lord Cobham, the duke of Bolton not having been bred to the army.

The anti-courtiers had always alledged, and perhaps, not entirely without reaſon, that the miniſtry exerted an undue influence in the election of the Scottiſh peers. In order, therefore, to remedy this evil three ſeveral motions were made and defended with great ability; but, as all of them ſeemed to reflect upon the conduct of the adminiſtration, they were rejected by the majority, and followed with vigourous proteſts.

The public buſineſs being now diſpatched, the king repaired to the houſe of lords on the ſixteenth day of April, and having given his aſſent to ſuch bills as were ready, made a ſhort ſpeech, to both houſes, importing, that it would be a great ſatisfaction to him, to ſee a perfect harmony reſtored among thoſe, who were guided by one and the ſame principle: that he wiſhed there might be

be no other diſtinction, but of ſuch as meant the ſupport of the preſent happy conſtitution in church and ſtate, and ſuch as wiſhed to ſubvert both: that this was the only diſtinction, which ought to prevail in this country, where the intereſt of the king and people were inſeparably connected, and where they could not ſubſiſt, but by being kept in that cloſe relation: that if religion, liberty and property, were never, at any time more fully enjoyed, without not only an attempt, but even the ſhadow of a deſign, to alter or invade them, he begged thoſe ſacred names might not be employed as artful and plauſible pretences to undermine the preſent eſtabliſhment, which alone could preſerve them ſafe and inviolate: that he had nothing to wiſh, but that his people might not be ſeduced or miſguided: he appealed to their own conſciences for the regularity of his conduct; and hoped the providence of God would direct them to make choice of ſuch repreſentatives, as were moſt fit to be truſted with the care and preſervation of the Proteſtant religion, the preſent eſtabliſhment, and all the religious and civil rights of Great Britain. The parliament was then prorogued, afterwards

diſſolved, and another convoked by the ſame proclamation.

Mean while the war, which had broke out upon the continent, continued to rage with great violence. The Ruſſian and Saxon army laid ſiege to Dantzick, in hope of ſecuring the perſon of king Staniſlaus. The inhabitants at firſt made ſome ſhow of reſiſtance: but finding all their efforts ineffectual, they were at laſt obliged to ſurrender. Staniſlaus eſcaped into the Pruſſian territories: the Poliſh lords, who had followed his fortune, ſubmitted to Auguſtus; and that prince, having thus overcome his rival, and eſtabliſhed his authority, returned in triumph to Dreſden.

In Germany the French met with uninterrupted ſucceſs, but ſuſtained an irreparable loſs in the death of the duke of Berwick, who was killed in the trenches, which he had opened before Philipſburg on the twenty-ſixth day of April. The famous prince Eugene arrived on the Rhine, to aſſume the command of the Imperial army in that quarter; but he found himſelf ſo much inferior to the enemy, that he was forced during the whole campaign, to remain upon the defenſive. Marſhal D'Aſfeldt, who ſeconded the duke of Berwick in the command of the French army, continued to proſecute

ecute the ſiege of Philipſburg with unremitted vigour; and the garriſon of that place, after having made a brave and vigorous defence, was at laſt obliged to agree to a capitulation.

The allies were no leſs ſucceſsful in Italy than in Germany. The French, having reduced the caſtle of Milan, and ſeveral other fortreſſes, advanced into the Modeneze: while Don Carlos, at the head of his own and his father's forces, took poſſeſſion of Naples, and inveſted the towns of Gæta and Capua. The Imperialiſts in thoſe parts were commanded by Count Merci: the Spaniards by the count de Montimar; and theſe two generals having come to an engagement in the neighbourhood of Bitonto, the latter obtained a complete victory over the former.

On the twenty-ninth day of June was fought the battle of Parma, in which the German army ſuſtained a total defeat from the French, who killed the Imperial general, a great number of principal officers, and above five thouſand private ſoldiers. In conſequence of this event, the whole kingdom of Naples ſubmitted to Don Carlos, who began to make preparations for attacking Sicily, where ſome Spaniſh troops had already been landed.

Mean while, the Britiſh miniſtry exerted themſelves with great vigour in putting the nation in a poſture of defence; and this meaſure, conſidering the diſpoſition of ſome of the powers at war, was not only prudent, but even neceſſary. Of all the allies, the king of Sardinia was the only prince, who was ſincere in his profeſſions of friendſhip to England.

Though the prime miniſter of Spain, who was lately dead, had, upon his death-bed, recommended to his maſter the preſervation of peace with Great-Britain as the moſt valuable legacy he could leave him; yet that bigotted prince paid very little regard to his ſalutary advice. The eldeſt ſon of the pretender was ſuffered to ſerve in the army of Don Carlos, who had even the imprudence to inſinuate, that, whenever his affairs would permit, he would ſupport the intereſt of the abdicated family. Nor were the French more reſerved in diſcovering their unfriendly ſentiments towards England. They publiſhed about this time a ſevere edict compelling all Britiſh ſubjects either to quit that kingdom, or to enliſt in their armies.

The earl of Walgrave, the Britiſh miniſter at Paris, preſented a ſmart memorial on that ſubject; and the French miniſtry excuſed themſelves, by alledging that they only meant

meant to execute their edict againſt Britiſh and Iriſh vagabonds, and ſuch as had no viſible means of ſubſiſtence or ſettled place of abode.

Mean-while Great-Britain continued to enjoy a profound tranquillity, with no other interruption, than what aroſe from the new elections, which were carried on with great zeal and induſtry by the two parties; but, notwithſtanding the utmoſt efforts of the oppoſition, the miniſtry obtained a conſiderable majority.

The new parliament meeting on the twenty-ſeventh day of January,* the king, in his ſpeech to both houſes, told them, that having undertaken, in concert with the States General, to mediate between the powers at war, he had had ſo good ſucceſs, that a plan would ſpeedily be offered to the conſideration of all parties engaged in the war, as a baſis for a general negociation of peace: that he concluded a treaty with the crown of Denmark, a matter, he conceived of great importance in the preſent conjuncture, and which, being attended with ſome expence, he would order it to be ſubmitted to the conſideration of the commons: that he hoped they would approve of the ſteps he had taken for the ſecurity of the nation:

* A. D. 1735.

and that while a war continued to rage in Europe, it would be proper, in all events, for Great-Britain to keep herſelf in a poſture of defence.

The commons had no ſooner returned to their houſe, than a motion was made for an addreſs to his majeſty, thankfully acknowledging his wiſdom and goodneſs in purſuing ſuch meaſures as tended towards peace and tranquillity, rather than to involve Great-Britain, and all Europe, too precipitately, in a general and bloody war: to expreſs the juſt ſenſe, which the houſe had, of his majeſty's tender regard for the public quiet and repoſe, and of his unwearied endeavours in forming, in concert with the States-General, ſuch a plan of a general pacification, as his majeſty, in his great wiſdom, conceived to be conſiſtent with the honour and intereſt of all parties, as far as the circumſtances of time, and the preſent poſture of affairs, would permit: to aſſure the king, that the houſe would chearfully and effectually raiſe ſuch ſupplies as ſhould be neceſſary for the honour and ſecurity of his majeſty and his kingdoms: and that, whatever ſhould be the reſult of his majeſty's gracious endeavours to procure the bleſſings of peace and tranquillity, they would

would enable him to act that part, which honour and juſtice, and the true intereſt of his people, ſhould call upon him to undertake.

This motion, as uſual, was attended with a violent debate. It was alledged on the one hand, that the houſe ought to be extremely cautious, leſt their agreeing to the addreſs ſhould be conſtrued into an approbation of all the meaſures of the miniſter: that the adminiſtration could claim very little merit in putting the nation to ſuch immenſe expences as ſhe had incurred in arming both by ſea and land, without performing one action of importance: and that, in any event, it was ridiculous to thank his majeſty for not precipitating the nation into a war; the rather, as the Dutch, notwithſtanding they had ſo much at ſtake, had not put themſelves to a ſhilling's expence during this critical ſituation of Europe.

It was urged on the other hand, that the tranquillity of the nation was owing to its being in a poſture either of offence or defence, as occaſions, which were impoſſible to be foreſeen, ſhould require; that the increaſe and ſecurity of the trade of England were more than ſufficient to counterballance all the charges ſhe had incurred,

and

and which had been all expended within herſelf : that neither his majeſty, nor his miniſters, had ever behaved in ſuch a manner, as that they ſhould be treated by the houſe with any marks of diſtruſt in an addreſs, which, at beſt, was but a mere matter of compliment : that thanking his majeſty for not precipitating the nation into a war, was no other than thanking him for his caution and prudence : that with regard to the Dutch, they were the beſt judges of their own affairs, and their conduct ought to be no rule to Great-Britain : that, nevertheleſs, though they had not augmented their land forces, it was certain they had ſuſpended a very large reduction of them, which they had intended to have made, when the troubles of Europe began : and finally, that the conduct of his majeſty, in concerting with the Dutch a general plan of pacification, was entirely agreeable to the maxims, by which the ballance of power in Europe was to be maintained. The queſtion being at laſt put, the addreſs was voted by a majority of two hundred and ſixty-five againſt one hundred and eighty-five.

The next ſubject of debate was concerning a motion for encreaſing the number of ſeamen to thirty thouſand, for the current ſervice of the year. The minority affirmed, that

that twenty thouſand, the number employed laſt year, was fully ſufficient: that the unneceſſary naval armaments of Great-Britain, during laſt ſummer, had occaſioned the ruin of Dantzick, inaſmuch as they prevented the French from ſailing in time to relieve it: that the Spaniards believing the Engliſh fleet, which was then fitted out, to be deſigned to act againſt them in the Mediterranean, had obliged the French miniſtry to keep their ſhips at Breſt, inſtead of ſailing to Dantzick, until they could diſcover the deſtination of the Engliſh ſquadron.

The miniſtry replied, that gentlemen were greatly miſtaken if they imagined the French to have ever been ſerious in their deſign either to relieve Dantzick, or to aſſiſt Staniſlaus in mounting the throne of Poland: that it was true, they had, laſt year, equipped a fleet, under pretext of relieving Dantzick; and had circulated a report, that this was their real intention: that, nevertheleſs, it was certain that the French fleet was not only detained at Breſt all ſummer, but orders were given by the courts of Verſailles and Madrid, to fit out in all their ports, all the ſhips that could poſſibly be got ready: that theſe orders had obliged his majeſty to encreaſe his ſea-forces with the additional number of ſeven thouſand

ſand men; an expedient, which, in all probability, defeated the deſigns, which the French and Spaniards had formed againſt theſe kingdoms: that both theſe powers, far from relaxing their preparations, were ſtrengthening their marine with the utmoſt induſtry; ſo that the addition of ſeven thouſand men to the marine of Great Britain, was but a reaſonable augmentation: and that this meaſure would appear the more neceſſary, when it was conſidered, that in a free country, like Great-Britain, where there was no regiſter for ſeamen, by which the fleet might be inſtantly manned, the government was obliged, upon any ſudden emergency, to have recourſe to preſſing, a moſt diſagreeable expedient, in a country of liberty. Theſe arguments were deemed ſo ſatisfactory, that the houſe agreed to the motion by a conſiderable majority.

When the new treaty with Denmark fell under the conſideration of the houſe, Mr. Horace Walpole moved, that the ſum of ſixty-ſix thouſand two hundred and fifty pounds ſhould be granted to his majeſty, as a ſubſidy to the Dane, purſuant to the ſaid treaty. This motion was not carried without a violent oppoſition. The anti courtiers aſſerted, that nothing could be more ridiculous than this expence, at a time when Den-

mark

mark had rather greater reaſon than England, for maintaining the balance of power in Europe: that the money, therefore, was, in fact, thrown away, becauſe his Daniſh majeſty never would have agreed to any meaſures inconſiſtent with the intereſt and welfare of Great-Britain: that the money would have been better employed in gaining over the elector of Bavaria, in detaching the king of Sardinia from his engagements with France, or in enabling the Poles to chuſe ſuch a king as might have prevented the breaking out of the war: and, in ſhort, that the ſubſidy was no more than a bribe given by England, to induce a foreign prince to follow his own intereſt.

To this it was anſwered, that it was more the intereſt of Great-Britain, than of any other power, to ſtrengthen herſelf with alliances, which might prevent her being involved in the preſent war; and that, if England had not, France would certainly have given his Daniſh majeſty a ſubſidy; would have taken his troops into pay; and would have paid him a much larger ſubſidy for both, than England had engaged to pay by the preſent treaty: that his Daniſh majeſty was no more intereſted than any other independent prince upon the continent, in maintaining the balance of power in Europe; and indeed,

indeed, that of all princes, he had the leaſt to fear from the power of France, and therefore, was the more likely to have embraced her propoſals, had he not been previouſly ſecured by Great-Britain: and, in a word, that had the miniſtry neglected to engage ſo powerful a Proteſtant prince as the king of Denmark, in the intereſt of Great-Britain, the gentlemen in the oppoſition would not have failed to declaim with great triumph againſt the omiſſion; eſpecially conſidering the ſmall price that was paid for his friendſhip, the goodneſs of his troops, and the convenience of their ſituation for ſerving the common cauſe. After a ſhort, but obſtinate diſpute, the motion was approved by a majority of two hundred and ſeventy, againſt one hundred and ſeventy-eight.

In the courſe of this ſeſſion, the mutiny-bill received a material alteration. By this act, any juſtice of the peace had it formerly in his power to throw a poor fellow into a dungeon, if, after receiving the inliſting money, while, perhaps, he was drunk, he refuſed to take the oaths, even though he offered to return the money, and to pay all charges. In order to remedy this grievance, ſo inconſiſtent with the principles of a free government, Sir Walter Bagot moved, for a clauſe

clauſe, importing, that every officer, who ſhould hereafter enliſt any men to ſerve in any regiment, ſhould, within a certain number of days, carry the perſon enliſted, before one of the next juſtices of the peace, where the man ſhould be at liberty to declare his diſſent to ſuch an act, and his having repented of what he had done; and upon his ſo doing, and returning the officer the enliſting money, and the expences incurred in the progreſs of the affair, ſuch juſtice ſhould forthwith diſcharge him: and that an officer, guilty of any failure or neglect in this particular, ſhould be liable to the ſame penalties, which were inflicted on thoſe, who were chargeable with falſe muſters. An objection being ſtarted by the gentlemen of the army, that a perſon, receiving enliſting money, might immediately abſcond, ſo that the officer, not having it in his power to carry him before a magiſtrate, the man could not be deemed to be inliſted, even though he never returned the money; a clauſe was added, ordaining, that if any perſon ſhould receive the inliſting money, knowing it to be ſuch, and ſhould abſcond, or refuſe to go before a magiſtrate, in order to declare his aſſent or diſſent to the enliſting, ſuch perſon ſhould be deemed to be be enliſted, to all intents and purpoſes. Theſe clauſes met with no oppo-

ſition from the miniſtry; and they were accordingly approved without a diviſion.

The next affair that came before the houſe, was a matter more curious than intereſting. The minority, in order to encreaſe the popular clamour againſt the miniſter, had trumped up a report, that their letters were opened at the Poſt-office; and a motion was made for a copy of his majeſty's warrant, permitting the letters of all members to paſs free from poſtage. The warrant* was accordingly ſubmitted to the in-

* As this warrant is juſtly deemed a curioſity, and is only to be found in the Journals of the Houſe of Commons, the reader, it is preſumed, will not be diſpleaſed to ſee a copy of it at full length. It was conceived in the following terms.

"Whereas we are given to underſtand, that the revenue ariſing by the General Letter-office, or office of Poſt-maſter General, hath hitherto ſuffered great prejudice by the free carriage of a great number of letters and pacquets, from time to time, which ought to have been paid for according to the acts of parliament in that behalf; and that, for reſtraining the miſchief attending ſuch practices, our royal predeceſſors have directed, from time to time, by warrant under their royal ſign manual, to whom the ſaid freedom of ſending or receiving, free, any letters or pacquets, ſhould be granted or allowed: Our will and pleaſure, therefore, is, and we do hereby require and command, that, from henceforth, you permit no perſon or perſons whatſoever, to ſend or receive free any letters or pacquets, which, by virtue of the ſaid acts of parliament, or any of them, ought to be paid for, as aforeſaid, except our prin-

inſpection of the commons; and from this it appeared, that the privilege of franking was granted by the crown to the great

principal ſecretaries of ſtate, for the time being, the commiſſioners of our Treaſury, now being, and our high treaſurer, or the commiſſioners of the treaſury, and the ſecretaries to the Treaſury, for the time being, the ſecretary at war, the ſecretary of our Admiralty, our lieutenant-general, or other chief governour or governours of Ireland, for the time being, and his or their ſecretary; excepting alſo the members of both houſes of parliament, during every ſeſſion of parliament, and for forty days before and after every ſeſſion; provided the letters or packets to be franked by virtue of this our authority, do not exceed the weight of two ounces.

"And our further will and pleaſure is, that our ſaid ſecretaries of ſtate, commiſſionere of our treaſury, our high treaſurer, the ſecretaries of the Treaſury, our ſecretary at war, the ſecretary of our Admiralty, our lieutenant or chief governour of our kingdom of Ireland for the time being, or his ſecretary, or any of them, now, or for the time being, ſhall not at any time or times, permit or ſuffer any perſon or perſons whatſoever, to ſend any private letters under cover to them, the ſame not being for our ſervice, but what they ſhall immediately ſend to the ſaid General Poſt-office, and ſhall not cover any perſons letters whatſoever, other than their own; and that they ſhall give ſtrict orders to the reſpective ſecretaries and clerks under them to govern themſelves accordingly.

"And we do alſo will and require you to make our pleaſure known to our ſaid houſes of parliament, that, for preventing the abuſes, which, as we have been informed, have been frequently committed by divers perſons, who, not being members of either of our ſaid houſes

officers of ſtate, and to both houſes of parliament.

Sir Robert Walpole declared, that he was far from vindicating the practice of opening the letters of members; but he begged leave to obſerve, that, unleſs the miniſtry had a diſcretionary power, in times of public danger, of ordering letters to be opened at the Poſt-houſe, there would be no poſſibility of diſcovering any plots againſt the go-

houſes of parliament themſelves, have yet preſumed to indorſe on their letters the names of ſuch as were; as alſo to direct their letters to members of parliament, when, at the ſame time, ſuch letters do not really belong to, or concern the members, to whom the ſame are directed: we do expect, that the members of both houſes do conſtantly indorſe their own names on their own letters, with their own hand-writing; and that they do not ſuffer any letters whatſoever, other than ſuch as concern themſelves, to paſs under their cover or direction, to the prejudice and diminution of our ſaid revenue. And for ſo doing, this ſhall be your warrant."

"Given at our court at St. James's, this 18th "day of October, 1727, in the firſt year "of our reign.

By His Majeſty's command,

To our truſty and well-beloved Edward Carteret, and Edward Harriſon, Eſqrs. our Poſt-maſters-General.

R. Walpole.
Ch. Turner,
Geo. Dodington,
Geo. Oxendon,
Will. Clayton."

government: and that, for the truth of this aſſertion, he might ſafely appeal to the experience of the nation and of that houſe, in the caſe of the biſhop of Rocheſter, and of almoſt all the conſpiracies, that had been carried on againſt the government, ever ſince the inſtitution of the Poſt-office. At length it was moved, that a committee ſhould be appointed to inquire into the matter; and this motion was readily approved, to the great diſappointment of the minority, who made it, and who fondly imagined, that it would be ſtrenuouſly oppoſed by all the friends of the adminiſtration.

This enquiry gave occaſion to the diſcovery of a remarkable ſcene. It appeared, that when the commons paſſed the bill granting the poſt-revenue to Charles the ſecond, they annexed to it a clauſe, reſerving to themſelves the privilege of franking in the ſame manner they now enjoy it. When this bill was preſented to the upper houſe, the lords finding in it no ſuch proviſion for them, and thinking it to be a money-bill, to which they never allowed any clauſes to be annexed, paſſed it without the addition. This omiſſion would certainly have occaſioned its miſcarriage in the lower houſe, to which it was ſent back, had not the miniſtry aſſured the members, that

their letters ſhould be permitted to go free from poſtage.

Thus by the jealouſy, not of the crown, but of the two houſes, the members of both were obliged to depend, for the privilege of franking, which they meant to have reſerved to themſelves by an expreſs law, upon the ſole will and pleaſure of the ſovereign. The commons, however, were ſo conſcious of the blunder they had committed, and ſo tenacious of what they conceived to be their right, that, in the year 1666, they took into cuſtody an officer of the Poſt-office for charging the letters of members with poſtage.

The preſent committee too, in order to ſhew, that they conſidered this privilege, not as the effect of royal favour, but as their own proper and inherent right, came to the following reſolutions: that it was their opinion that the privilege of franking letters by the knights, citizens, and burgeſſes, choſen to repreſent the commons in parliament, began with the erecting a poſt-office in this kingdom, by act of parliament: that all letters, not exceeding two ounces, ſigned by the proper hand of, or directed to any member of this houſe, during the ſitting of every parliament, and forty days before and after every ſummons or prorogation, ought to be carried and delivered freely and

and ſafely from all parts of Great-Britain and Ireland, without any charge of poſtage: that it was an high infringement of the privilege of the knights, citizens, and burgeſſes, choſen to repreſent the commons of Great-Britain in parliament, for any poſt-maſter, his deputies, or agents, to open or look into, by any means whatſoever, any letter directed to, or ſigned by the proper hand of any member, without an expreſs warrant in writing, under the hand of one of the principal ſecretaries of ſtate, for every ſuch opening or inſpection; or to detain or delay any letter directed to, or ſigned with the name of any member, unleſs there ſhould be juſt reaſon to ſuſpect ſome counterfeit of it, without an expreſs warrant of a principal ſecretary of ſtate, for every ſuch delay or detention: that all letters, directed to any members of this houſe, at any place within the bills of mortality, ſhould be carried, by the proper officers of the Poſt-office, to the houſe or lodgings of ſuch members, or to the lobby of the houſe of commons: that it was a notorious breach of the privilege of the houſe of commons, for any perſon to counterfeit the hand, or to put the name of any member of the houſe of commons upon any letter, in order to prevent its being charged with the duty of poſtage:

poſtage: and that ſuch perſons as ſhould preſume to do the ſame, ought to be proſecuted with the utmoſt ſeverity.

But the attention of the public was chiefly engaged by an affair of a very delicate and intereſting nature, which came before the upper houſe in the courſe of this ſeſſion. This was a petition, ſubſcribed by the dukes of Hamilton, Queenſbury, and Montroſe, the earls of Dundonald, Marchmont, and Stair, repreſenting, that undue influence had been uſed in carrying on the election of the ſixteen peers for Scotland.

The duke of Bedford, who delivered their petition to the houſe, propoſed a day for taking it into conſideration; and to this propoſal they readily agreed. Nevertheleſs, as it ſeemed to be uncertain what was the ſcope and deſign of the petition, a motion was made, that it ſhould be adjourned to a ſhort day, before which, the petitioners ſhould be ordered to declare, whether they intended to controvert the election of all the ſixteen peers, or the election of any, and which of them.

Accordingly, in a few days, the petitioning lords delivered a declaration, importing, that they did not intend to controvert the election or return of the ſixteen peers for Scotland; but they thought it their duty to lay

lay before their lordſhips the evidence of ſuch facts and undue methods, as appeared to them to be dangerous to the conſtitution; and might, in future elections, equally affect the right of the preſent ſixteen peers, as that of the other peers of Scotland, if not prevented by a proper remedy.

This declaration was liable to the ſame objection with the petition. Its meaning was equally vague and undetermined. An accuſation ſeemed to be intended; and yet no particular perſon was named, againſt whom that accuſation was levelled. A charge of this nature muſt lie extremely heavy upon the perſon and character of the accuſed, even though, in the end, he ſhould be acquitted. It was poſſible too, that, during the dependence of the matter, the accuſed party might die, and, though ever ſo innocent, his memory muſt be loaded with an indelible infamy. Some of the witneſſes, neceſſary for clearing him, might die likewiſe; ſome of them might leave the kingdom; ſome of them might be unable to attend; and, in all theſe caſes, the accuſed might, without any poſſibility of procuring redreſs, be irretrievably ruined in fortune and reputation.

What, it was aſked, were the houſe to do? to examine evidence upon a notorious charge

charge of corruption. But evidence againſt whom? perhaps, againſt ſome of the firſt men in the kingdom, who, by this means, muſt be deprived of all thoſe means of defence, which are ever indulged to the loweſt criminal. For theſe reaſons it was thought inconſiſtent with the juſtice and dignity of the houſe to admit an accuſer, without knowing who was to be the defendant. From the inſtances and proofs of corruption which were offered to be proved, it plainly appeared that the petitioners intended to accuſe ſome perſon; but to proceed in the affair, without giving that perſon an opportunity of vindicating himſelf, would be erecting that houſe into ſomething worſe than a court of inquiſition.

Theſe obſervations, which, in the courſe of the debate, fell from the duke of Argyle and other friends of the miniſtry, were attempted to be anſwered by the earl of Cheſterfield, who concluded his ſpeech with the following expreſſions: "Suppoſing, my lords, we ſhould get infor-
"mation, that ſeveral barrels of gun-
"powder had been placed under this houſe,
"in order to blow us up; would it not be
"very fooliſh to delay going to ſearch for,
"and remove the gun-powder, till we
"ſhould be informed by what means, at
"what time, and by whom, the powder
"was

"was placed there The caſe before us is "the very ſame: there is a ſort of meta- "phorical gun-powder placed under this "houſe, which will, in time, blow us up, "if it be not removed; and in ſuch a caſe, "are we to trifle away our time in inquiries "after the names of the perſons, who plac- "ed it there, and the methods, by which it "was conveyed."

This compariſon was more beautiful than juſt. The gun powder was a caſe of immediate danger, and could not admit of any delay; the affair before the houſe, however pernicious in its conſequences, could not be productive of any cataſtrophe ſo terrible and inſtantaneous as his lordſhip inſinuated. It was therefore reſolved by a great majority, that the declaration was unſatisfactory; that the conſideration of the matter ſhould be delayed for eight days longer, and that the petitioners ſhould be ordered to lay before the houſe, in writing, inſtances of thoſe undue methods and illegal practices, upon which they intended to proceed, and the names of the perſons ſuſpected to be guilty.

On the day appointed the petitioning lords preſented a remonſtrance to the houſe, in which they obſerved, that, as they had no intention to ſtate themſelves accuſers, they could not take upon them to name particular perſons, who might have been concern-

ed

ed in those illegal practices; but who they were would undoubtedly appear to their lordships, upon their taking the proper examinations: that, nevertheless, they begged leave to acquaint their lordships, that the petition was laid before them, upon information, that the list of the sixteen peers for Scotland had been framed, previous to the election, by persons in high trust under the crown; that this list was shewn to peers as a list approved by the crown; and was called the king's list, from which there was to be no variation, unless to make way for one or two particular peers, on condition they should conform to measures: that peers were solicited to vote for this list, without the liberty to make any alteration: that endeavours were used to engage peers to vote for this list, by promise of pensions, and offices civil and military to themselves and relations, as well as by offers of money: that sums of money were actually given for this purpose: that pensions, offices, and releases of debts owing to the crown, were granted to peers, who concurred in voting for this list, and to their relations: that, on the day of election, a battallion of his majesty's troops, was drawn up in the Abbey-court, contrary to custom, and without any other apparent cause, than that of overawing the electors: that

that these instances of undue practices would, they hoped, be abundantly sufficient to satisfy their lordships, that they had just cause to pray the house to take this matter into their serious consideration, and to provide such remedy as might be effectual for preserving the right and freedom of elections; such right of electing being the only right that now remained with the peers of Scotland, in lieu of a constant and hereditary seat in parliament.

With this remonstrance the lords were no more satisfied, than they had been with the declaration. They questioned, whether some of the allegations, even if proved, could be regularly censured by either house of parliament, without encroaching on the prerogative of the crown; whose undoubted right it was to grant places, pensions, reversions, remissions, and the like acts of favour to the subject.

The most exceptionable fact, mentioned in the remonstrance, was the holding under arms a battalion of soldiers, during the time of the election. The court lords, instead of denying, frankly acknowledged the fact. They insisted, however, that it was both legal and prudent: that the soldiers were drawn out by the authority of the civil magistrate, who had issued the proper warrants to

the commanding officer: and that the intention of this meaſure was to prevent riots and inſurrections among the populace, who had been inflamed to the higheſt pitch of animoſity by the arts and practices of the lords in the oppoſition. The remonſtrance, therefore was voted unſatisfactory, the petition diſmiſſed, and the whole affair entirely ſuppreſſed.

The minority, not diſcouraged by this defeat, renewed their attacks on every freſh occaſion. They diſputed the continuation of the ſalt-tax, and the bill for enabling the king to apply the ſum of one million out of the ſinking-fund for the ſervice of the current year; though they finally failed in both attempts. They ſupported, and indeed with great ſhow of reaſon, a bill ſent up from the commons, explaining and amending an act of the Scottiſh parliament, "for "preventing wrongous impriſonment, and "againſt undue delays in trials." This was all the natives of Scotland had in lieu of the *Habeas corpus* act, though it ſtill left them at the mercy of every falſe informer, or cruel magiſtrate. The bill, however, was violently oppoſed by the earl of Ilay and other Scottiſh peers; and, upon a diviſion, was thrown out by a conſiderable majority.

The

The public buſineſs being now finiſhed, and the ſupplies granted, amounting to upwards of three millions, the king put an end to the ſeſſion on the fifteenth day of May. He frankly acknowledged, that the plan of pacification, which he had formed with the States General, had not yet proved effectual; but added, that he was ſtill determined to perſiſt in the ſame pacific meaſures, and to uſe his endeavours for compoſing the troubles of Europe. He thanked the parliament for the power they had given him to augment his forces by ſea and land; acquainted them with his intention to viſit his German dominions; and told them he ſhould conſtitute the queen regent of the realm during his abſence. Immediately after the prorogation, his majeſty embarked for Holland, in his way to Hanover.

At this period the affairs of Europe were in a very delicate and critical ſituation. The emperor expreſſed the utmoſt ſurprize at the moderation of his Britannic majeſty, who, he had all along flattered himſelf, would ſpeedily eſpouſe his quarrel. The king, indeed, would, in all probability have taken ſuch a ſtep, could he have been convinced, that the court of Vienna deſerved ſuch a favour at his hands, or that ſuch a meaſure could be ſafely embraced, at a time when

the Dutch were ſo ſtrongly attached to the French intereſt. His majeſty, however, never loſt ſight of the common cauſe, but continued to ſupport it with his uſual ſpirit; and it was entirely owing to his wiſe and prudent conduct, that the balance of power was not, at this time, irretrievably ruined.

The French had formed ſo powerful a party at the Ottoman court, that ſome divans had been actually held to deliberate upon a war with the emperor. The Britiſh and Dutch ambaſſadors were no ſooner informed of this circumſtance, than they tranſmitted an account of it to their reſpective maſters, who ſent them expreſs orders to counter-act the deſigns of the French agents; and theſe miniſters ſucceeded ſo well in their endeavours, that the Grand Signior laid aſide his hoſtile intentions, and his Britannic majeſty received the thanks of the emperor for this friendly interpoſition.

Nor were the meaſures of the Britiſh miniſtry leſs effectual in preventing the flames of war from ſpreading into other parts of Europe. A miſunderſtanding having lately happened between the courts of Madrid and Liſbon, the king of Spain began to make ſuch preparations for war, that his Portugueſe majeſty had recourſe to his uſual ſupport in times of diſtreſs, to the aſſiſtance of the Engliſh

Engliſh nation. The miniſtry lent a favourable ear to his application, and reſolved to afford him that relief which he ſeemed ſo much to want. Accordingly, in the latter end of May, Sir John Norris ſet ſail with a fleet of twenty-eight ſhips of war, and, in a few days, arrived at Liſbon, where he was received by the inhabitants as their guardian and deliverer. The court of Spain affected to be highly enraged at this bold ſtep of the Engliſh miniſtry, and threatened immediately to invade Portugal with a numerous army; but, notwithſtanding all their menaces, they found it moſt adviſeable to iſſue orders for countermanding their military preparations.

Meanwhile the powers at variance upon the Continent were, all of them, equally weary of the war; but none of them would condeſcend to make the firſt advances towards a peace. At length, by the good offices of the Britiſh miniſtry and the States-general, a ceſſation of arms was procured, and conferences were opened for a general pacification, which, ſoon after, terminated in the concluſion of certain preliminary articles, importing, that France ſhould reſtore to the empire all the places ſhe had taken from it in the courſe of the late war: that the emperor ſhould poſſeſs the Mantuan, Par-

Parma and Placentia, and the Milaneſe: that the king of Sardinia ſhould enjoy Vigevanaſco, Navara, and all its dependences: that the dutchy of Tuſcany, after the death of the preſent duke, ſhould be given to the duke of Lorraine, which laſt dutchy ſhould be annexed to the monarchy of France, but without any vote in the empire: that king Staniſlaus ſhould be acknowledged king of Poland by all Europe, and enjoy all the honours of a crowned head, after which he ſhould reſign that kingdom to king Auguſtus, who ſhould reſtore to him all the eſtates in Poland, which belonged to him or his queen: that king Staniſlaus, by way of equivalent for Poland, ſhould, immediately after the duke of Tuſcany's death, be put in poſſeſſion of the dutchies of Bar and Lorrain: that Don Carlos ſhould be acknowledged king of Naples and Sicily, and ſhould enjoy the Del Preſidii and the Iſle of Elbe; but Leghorn be declared a free port: that France ſhould guaranty the Pragmatic Sanction: and that England, Holland, Portugal, and Venice ſhould be ſolicited to guaranty the preſent treaty, to which the kings of Spain and Sardinia ſhould be invited to accede.

In the month of November, the king of Great Britain returned from Hanover; and on

on the fifteenth day of January * opened the parliament with a ſpeech; in which he told them, that the plan of pacification formed by the French and Imperialiſts, was, in ſubſtance, the ſame with that, which had been concerted between him and the States-general, though they had thought proper to communicate it as a new project: that he had agreed to this plan, which had been imparted to the kings of Spain and Sardinia, who, it was hoped, would likewiſe be perſuaded to accede to it: that he had already given orders for a reduction of his forces, both by ſea and land; but he flattered himſelf, they would think it reaſonable to continue ſome extraordinary expence, till the peace of Europe ſhould be more fully eſtabliſhed.

His majeſty had no ſooner retired than a motion was made, in the upper houſe, for an addreſs. This motion, as uſual, was violently diſputed by the lords in the oppoſition, who threw out a great many ſevere reflections againſt the conduct of the miniſtry, and among other things aſſerted, that the peace was a very bad one for Europe, inaſmuch as it would leave France in poſſeſſion of all Lorrain, by which means ſhe

* A. D. 1736.

ſhe would always have a ready entrance into the heart of the empire.

To this it was anſwered, that France, for more than a century paſt, had, in fact, been in poſſeſſion of Lorrain, or, at leaſt, could poſſeſs it whenever ſhe pleaſed; and that, therefore, the plan of pacification added little or nothing to her power on that ſide: that king Staniſlaus was to enjoy all the revenues of that dutchy during his natural life; and that the garriſons, which the French would afterwards be obliged to maintain in that country, would nearly exhauſt all its income: that the poſſeſſion of Lorrain, however intereſting to any particular prince, was a matter of indifference to the ballance of power in Europe: that, in the preſent caſe, however, the old maxim might be applied, *volenti non fit injuria*; the preſent duke was willing, nay deſirous, to quit ſo precarious a poſſeſſion for an independent and more valuable territory: and finally, that, by that ceſſion, the frontiers of the empire would be no more expoſed than they had been formerly. The addreſs was accordingly voted, drawn up, preſented, and graciouſly received. The example of the lords was followed by the commons, who met with a like favourable reception.

The

The lower houſe, having determined ſome controverted elections, proceeded to conſider the ſupply, and Sir Charles Wager moving, that fifteen thouſand men ſhould be employed for the ſervice of the enſuing year, the propoſal was approved without a diviſion. On the eleventh day of February a petition was delivered to the houſe by the juſtices of the county of Middleſex, repreſenting, that the drinking of Geneva, and other diſtilled ſpirituous liquors, had, for ſome years paſt, encreaſed to a ſurpriſing degree, eſpecially among the people of inferior rank: that the exceſſive uſe of theſe liquors had already deſtroyed thouſands of his majeſty's ſubjects; rendered great numbers unfit for uſeful labour and ſervice; debauched, at the ſame time, their morals; and drove them into all manner of vice and wickedneſs: that theſe pernicious liquors were now ſold, not only by diſtillers, and the keepers of geneva-ſhops, but by many other perſons of inferior trades; by which means, journeymen, apprentices, and ſervants, were drawn in to intoxicate themſelves with this bewitching drug: that the petitioners apprehended, that the public welfare and ſafety, as well as the trade of the nation, would be greatly affected by this practice, which was ſo dangerous to the health, ſtrength

ſtrength, peace, and morals, and tended ſo much to diminiſh the labour and induſtry of his majeſty's ſubjects; and therefore they prayed, that the houſe would take the matter into their ſerious conſideration, and apply ſuch remedy, as to them, in their wiſdom, ſhould ſeem moſt proper.

This affair being carefully examined by the houſe, a motion was made for reſolving, that a duty of twenty ſhillings per gallon ſhould be impoſed upon all ſpirituous liquors; and that fifty ſhillings ſhould be paid to his majeſty for a licence, to be taken out yearly by every perſon, who ſhould vend, barter, or utter any ſuch ſpirituous liquors.

Many plauſible objections were made to theſe heavy impoſitions. It was ſaid, that they amounted to a prohibition; and, as this extended to rum, it might prove of very dangerous conſequence to the Britiſh ſugar iſlands, which were already in a declining condition: that many thouſands depended for their livelihood upon the Britiſh diſtillery: and that it was abſurd to argue againſt the uſe of any thing from the abuſe of it.

It was urged on the other hand, that nothing but the extreme danger of the public, from the abuſe of ſpirituous liquors of all kinds, could have prevailed on gentlemen to move for the reſolutions which had been now mentioned: that they were fully

ſenſible

ſenſible of the difficulties to which great numbers of his majeſty's ſubjects would be reduced, by the duties propoſed to be laid on ſuch liquors; but the intereſt of every particular man muſt give way to the general intereſt; and, where the preſervation of the community was ſo viſibly and ſo eſſentially concerned, the hardſhips which ſome few particular perſons might ſuffer, were not to be regarded: that, nevertheleſs, all poſſible care would be taken of thoſe, who might, any ways, be affected by the duties intended to be laid on the retailing of ſpirituous liquors, ſo as they might be enabled to engage in ſome other kind of buſineſs; and, as every one would be convinced, that their being turned out of their preſent buſineſs was become neceſſary for the good of their country, and for the preſervation of the people in general, it was to be preſumed, that every man would willingly ſubmit to ſuch a regulation; nor was it to be apprehended, that ſuch a meaſure ſhould ever cauſe any diſaffection to his majeſty's perſon and government, or produce any riots or inſurrections: that, with reſpect to rum and brandy, it was likewiſe very certain, that they had been often drunk to a very great exceſs, notwithſtanding the high duties laid upon them, and were as pernicious both to the health

and

and morals of the people, as any home-made ſpirit: that it would be ridiculous to impoſe a higher duty upon home-made ſpirits, which were the manufacture of the ſubjects of Great-Britain, than upon rum and brandy, eſpecially the latter; and that, if the Britiſh ſugar iſlands ſhould ſuffer a little by leſſening the conſumption of rum, they could not complain, when they conſidered, that it was for the ſake of preſerving their mother country, the general intereſt of which was always to be preferred to the particular intereſt of any particular colony: that, if any ſort of ſpirits ſhould be exempted from the duties now impoſed, the retailers would ſell all ſorts of ſpirits under that denomination, and the diſtillers would compound them in ſuch a manner, that it would be impoſſible to diſcover the fallacy: that they would willingly agree to the method propoſed by ſome honourable gentlemen, of laying on but a ſmall duty at once, and raiſing it by degrees; but they were ſure, the laying on a ſmall duty would not be an effectual remedy for the evil, of which the more ſober part of the nation ſo loudly complained: that ſhould the indignation, which now ſo generally prevailed againſt all ſorts of diſtilled ſpiritous liquors, be allowed to ſubſide, they were afraid they ſhould never be able to raiſe

raiſe it again, nor to get a new law paſſed, for impoſing that duty; the rather as multitudes of people would always be engaged by their own private intereſt to oppoſe the paſſing ſuch an act: and that, therefore, it was abſolutely neceſſary to take advantage of the preſent conjuncture, in order to put an effectual ſtop to a practice, of which the nation had ſo long and ſo juſtly complained; and, for that reaſon, they thought it proper, that the houſe ſhould agree to the motion.

The reſolutions were accordingly approved, and a bill was ordered to be brought in for impoſing the duty. Againſt this bill petitions were preſented by the traders to the ſugar colonies, and by the merchants of Briſtol and Liverpoole, repreſenting the hardſhips to which they would be expoſed by a law, which amounted to a prohibition of rum and ſpirits diſtilled from molaſſes. In conſequences of theſe remonſtrances, a mitigating clauſe was inſerted in favour of the compoſition known by the name of Punch; and diſtillers were permitted to exerciſe any other employment.

The ſum of ſeventy thouſand pounds was voted for making good the deficiences that might happen in the civil liſt by this bill, which at length paſſed, though not without a violent oppoſition.

Strong objections were likewiſe made to a bill for the relief of the people called Quakers, who offered a petition, repreſenting, that, though from motives of conſcience they refuſed the payment of tythes, church-rates, oblations, and eccleſiaſtical dues, they were expoſed to grievous ſufferings in the Exchequer, eccleſiaſtical, and other courts, to the impriſonment of their perſons, and the ruin of them and their families. A bill being framed for their relief was read and preſented; but petitions were preſented againſt it by the clergy of Middleſex and of many other parts of the kingdom; counſel was heard in behalf of thoſe petitioners, and ſeveral alterations made in the bill, which, after a long and obſtinate diſpute was paſſed, and ſent up to the houſe of lords.

In the month of February the king had ſent two members of the privy council to the prince of Wales, with a meſſage propoſing a marriage between his royal highneſs and the princeſs of Saxe-gotha. The propoſal being agreeable to the prince, lord Delaware was diſpatched to the court of Saxe-gotha to demand the princeſs, who arrived in England on the twenty-fifth day of April; and in two days after the nuptials were celebrated. Upon this occaſion Mr. Pulteney

Pulteney moved for an addreſs of congratulation to his majeſty, and was ſeconded by Mr. George Lyttleton and Mr. William Pitt, who took this opportunity of pronouncing elegant panegyrics on the prince of Wales, and his amiable conſort. Theſe two young members ſoon diſtinguiſhed themſelves in the houſe by their eloquence and ſuperior abilities

The number of land-forces for the ſervice of the current year, was fixed at fourteen thouſand ſeven hundred and four effective men. The ſupplies were raiſed by the malt-tax, a land-tax of two ſhillings in the pound, additional duties on mum, cyder and perry, ſtamped vellum, parchment and paper; and by an act empowering his majeſty to borrow ſix hundred thouſand pounds of the ſinking fund.

The ſpirit of bequeathing lands to pious and charitable uſes, frequently to the prejudice of worthy heirs and poor relations, had become ſo prevalent, and been carried to ſuch a dangerous height, that it was thought neceſſary to check this growing evil, by ſome wholſome regulations. For this purpoſe, a bill was brought in by Sir Joſeph Jekyll, maſter of the Rolls, to reſtrain the diſpoſition of lands in Mortmain, whereby they became unalienable.

The principle, upon which this bill was founded, that of preventing lands from going into Mortmain or dead hands, had been long a favourite maxim with the Engliſh commons; and indeed nothing could be better ſuited to the genius of a free and trading nation. The two Univerſities, however, took the alarm. That of Cambridge, delivered a petition, repreſenting, that, the univerſity and colleges in it were founded for maintaining fit perſons in the ſtudy of uſeful knowledge, and the bringing up youth in learning, virtue, and religion: that, in general, the intentions of the founders had been anſwered; but the petitioners apprehended, that, if the bill depending paſſed without amendment, it would be attended both in the preſent and in futurity, with very prejudicial conſequences; inaſmuch as it would cut them off from donations, to ſupply preſent or future deficiencies, or for any other wiſe or great purpoſes, how uſeful ſo ever or neceſſary they might be thought: that a conſiderable part of their revenues aroſe from annuities and certain other payments, iſſuing out of lands and other eſtates; and that many of thoſe payments, having been fixed in the reign of queen Elizabeth, and ſtill continuing invariably the ſame, were now, by the great fall

of money ſince that period, ſunk ſo far below their original value, as to be inſufficient to anſwer the purpoſes, for which they were deſigned: that ſeveral headſhips were under a hundred and twenty pounds, ſome under a hundred pounds a year, and others, as thoſe of botany, anatomy, chymiſtry, had no endowment at all: that the income of much the greateſt part of their fellowſhips was under ſixty pounds, of many under forty pounds, of ſome ſo low as thirty, and twenty, and fifteen pounds a year: that many of their ſcholarſhips, and exhibitions exceeded not ſix, four and three pounds a year, and that ſome of them were even under thoſe ſmall ſums: that many poor ſtudents had neither ſcholarſhip nor exhibition to help towards their maintenance: that the number of advowſons, in moſt colleges, was very ſmall, in proportion to the number of fellows; and that, therefore, they hoped the houſe would exempt that univerſity, and the ſeveral colleges therein, out of the bill now before the houſe.

The petition of Oxford was much in the ſame ſtrain. An exempting clauſe was accordingly inſerted, in favour of the two univerſities, and the colleges of Eaton, Wincheſter, and Weſtminſter. Several other amendments were made in the bill, which at

length paſſed through both houſes, and received the royal aſſent.

The ſubjects of debate in the upper houſe were exactly the ſame with thoſe in the lower; and the arguments advanced on both ſides differed not eſſentially from thoſe employed by the commons. The chief diſputes turned upon the addreſs of thanks for his majeſty's ſpeech; the Mortmain bill, the Quakers bill, which was rejected, and a bill for the prevention of ſmuggling.

On the twentieth day of May, the king cloſed the ſeſſion with a ſpeech, in which he told both houſes, that a farther convention, concerning the execution of the preliminaries, had been made and communicated to him by the emperor and his moſt Chriſtian majeſty; and that negociations were carrying on by the ſeveral powers engaged in the late war, in order to ſettle a general pacification. He expreſſed great concern at ſeeing ſuch ſeeds of diſſenſion ſown among his people: he declared it was his deſire, and ſhould ever be his care, to preſerve the preſent conſtitution in church and ſtate, as by law eſtabliſhed: he recommended a ſpirit of harmony and concord among all the Proteſtants of the nation, as the chief ſupport of that happy eſtabliſhment; and acquainted them with his intention

tion to visit his German dominions. Accordingly the parliament was no sooner prorogued than he set out for Hanover, after having appointed the queen regent of the realm.

In the course of this year there happened at Edinburgh a remarkable riot, which greatly engaged the attention of the public. One Wilson, a smuggler, a fellow of a bold and resolute spirit, had been tried and condemned by the lords of session, for robbing one of the officers of the revenue; and having afterwards been guilty of one of the most daring actions that ever was attempted, that of rescuing out of the hands of justice, his brother convict in the time of of divine service, and in the midst of his guards, the magistrates of Edinburgh redoubled their usual precautions for executing the sentence against this desperate criminal. When the executioner was cutting him down from the gallows, he was pelted, as usual, with stones and dirt picked from the street by the boys and rabble. This circumstance so provoked Porteous, captain of the trained bands, a man of a brutal disposition and abandoned morals, who attended the execution, that he ordered his men to fire among the people; by which

which precipitate order, ſeveral innocent people were killed and many more wounded.

Porteous, who had no warrant for this barbarous action, was committed to priſon, tried for murder, convicted upon full evidence, and condemned to be hanged: but, as the ſmugglers were, at this time, remarkably numerous, and ſeemed to ſet both civil and military power at defiance; and as ſome favourable circumſtances appeared at the trial of Porteous, the queen thought proper to indulge him with a reprieve.

The common people of Edinburgh reſented this lenity ſhewn to a criminal, who was the object of their deteſtation. They formed a conſperacy with the moſt amazing ſecreſy; and they reſolved to put Porteous to death on the very day, which the judges had fixed for his execution.

Thus determined, they aſſembled in different bodies about ten o'clock at night, and blocked up the gates of the city, to prevent the admiſſion of the troops, that were quartered in the ſuburbs. They ſurprized and diſarmed the town guard: they broke open the priſon doors; dragged Porteous from thence to the place of excution; and leaving him hanging by the neck on a dyer's pole, quietly diſperſed to their ſeveral habitations. This exploit was perſormed with

with ſuch conduct and circumſpection as ſeemed to be the reſult of a plan concerted by perſons of conſequence: it therefore become the object of a very ſevere ſcrutiny.

By this time all the belligerent powers in Italy had agreed to the preliminaries of peace concluded between the emperor and France. The duke of Lorraine had married the emperor's eldeſt daughter, the archdutcheſs Maria Thereſa, and ceded Lorraine to France, even before he ſucceeded to Tuſcany. Don Carlos was crowned king of Sicily: Staniſlaus abdicated the crown of Poland: and Auguſtus was univerſally acknowledged ſovereign of that kingdom. The preliminaries were approved and ratified by the diet of the empire; and the king of Spain ſent orders for his troops to evacuate Tuſcany, and the provinces in Italy yielded to the houſe of Auſtria.

Prince Eugene, who had acted as the Imperial plenipotentiary on this occaſion, did not live to ſee the happy fruits of his negociation. He died at Vienna, in April, at the age of ſeventy-three, leaving behind him the character of an invincible hero, an accompliſhed general, and a conſummate politician.

About the ſame time Great-Britain ſuffered a national loſs in the death of lord chan-

chancellor Talbot, who had, for ſeveral years, executed that high office with equal ability and uprightneſs. He died, univerſally lamented, in the month of February, at the age of fifty-two; and was ſucceeded as chancellor by the lord Hardwicke.

The king being indiſpoſed, in conſequence of the fatigue he had ſuffered in a tempeſtuous paſſage from Holland, the parliament was opened by commiſſion on the firſt day of February.* The lord chancellor, as one of the peers authorized by this commiſſion, made a ſpeech in his majeſty's name to both houſes, whom he acquainted, that, with regard to foreign affairs, the reſpective acts of ceſſion being exchanged, and orders given for the evacuation and poſſeſſion of the ſeveral countries and places by the powers concerned, according to the allotment and diſpoſition of the preliminary articles, the great work of re-eſtabliſhing the general tranquillity was far advanced; but his majeſty was of opinion, that great attention ought to be paid to the final concluſion of the new ſettlement, which was to diſpoſe of ſuch conſiderable parts of Europe: that though there was the moſt promiſing appearance of a general laſting tranquillity, yet common prudence called upon the Britiſh nation to avoid an indolent ſecurity and too

* A. D. 1737.

too great a diſregard to future events: that, in a word, ſhe ought to be provided againſt all attempts that might be made againſt her peace by any of her enemies: that his majeſty had, as ſoon as the circumſtances of affairs would permit, made ſuch a reduction of the public expences, as was conſiſtent with the quiet and ſafety of his kingdoms, the ſecurity of commerce, and the honour and intereſt of the nation: that he could not, without ſurprize and concern, obſerve the many deſigns and contrivances carried on, in various ſhapes, and in different parts of the nation, tumultuouſly to reſiſt and obſtruct the execution of the laws, and to violate the peace of the kingdom: that theſe diſturbers of the public repoſe, conſcious that the intereſts of his majeſty and his people were the ſame, and ſenſible of the harmony that ſubſiſted between him and his parliaments, had levelled their ſedition againſt both, and, in their late outrages, had either directly oppoſed, or at leaſt endeavoured to render ineffectual, ſome acts of the whole legiſlature: that the conſideration of the height, to which theſe audacious practices might riſe, if not timely ſuppreſſed, afforded a melancholy proſpect, and required particular attention, leſt they ſhould affect private perſons in the quiet enjoyment of their property, as well

as

as the general peace and good order of the whole community.

Both houſes preſented addreſſes, in which they expreſſed their abhorrence of the outrages committed by the populace; and declared their reſolution to ſupport his majeſty in re-eſtabliſhing the general tranquillity of the nation. The commons having heard and determined ſome controverted elections proceeded to take the ſupply into conſideration. They voted ten thouſand men for the ſea-ſervice: they fixed the land forces at ſeventeen thouſand ſeven hundred and four; and, for maintaining theſe and defraying other neceſſary expences, they continued the land and malt-tax, and granted his majeſty the ſum of one million out of the ſinking fund.

The next object, that engaged their attention, was of a nature no leſs delicate than important. The prince and princeſs of Wales had, by their many and eminent virtues, rendered their intereſt ſo popular, that the members in the oppoſition reſolved to interweave it, if poſſible, with their own. His majeſty, when prince of Wales, had a numerous growing iſſue, which required a large ſupport; and for that reaſon he had enjoyed an appointment of an hundred thouſand pounds a year. The preſent prince had as yet

yet no children: nevertheleſs the minority undertook to procure him the ſame eſtabliſhment, which had been ſettled on his father.

This attempt, it was eaſily foreſeen, would create a breach in the royal family; and for that reaſon the miniſter endeavoured to diſſuade the prince from purſuing ſuch a meaſure. His royal highneſs, however, imagined, that he could not, in honour, deſert the friends who had ſo generouſly eſpouſed his cauſe; and he flatly rejected all terms of accommodation, except ſuch as ſhould be propoſed by parliament. His claim, he thought, was juſt and reaſonable; and the oppoſition promiſed themſelves great advantages from placing at their head the heir apparent to the crown.

Accordingly on the twenty-ſecond day of February, Mr. Pulteney moved, for an addreſs to his majeſty, that he would be pleaſed to ſettle one hundred thouſand pounds a year on the prince of Wales. He alledged, that ſuch a proviſion was agreeable to the practice of ancient times: that the ſettlement propoſed had been enjoyed by his preſent majeſty in the life-time of his father: and that ſuch an appointment was abſolutely neceſſary, in order to aſcertain the independency of his royal highneſs.

The motion was oppoſed by Sir Robert Walpole as a dangerous edcroachment on the prerogative of the crown, as an officious intermeddling in the king's family-affairs, and as an inſidious attempt to ſet his majeſty and the prince at variance. It appeared, however, in the courſe of the debate, that the king had received a previous intimation of the project, at which he could not fail to be highly offended; for the miniſter, in the concluſion of his ſpeech, told the houſe, by his majeſty's command, that, on the preceding day, the king had ſent a meſſage to the prince by ſeveral noblemen of the firſt quality, importing, that, upon his royal highneſſes's marriage, his majeſty immediately took into his royal conſideration the ſettling a proper jointure upon the princeſs of Wales; but his ſudden departure for Germany, and his late indiſpoſition ſince his return, had hitherto prevented the execution of theſe his gracious intentions: that from this ſhort delay, however, his majeſty did not apprehend, that any inconvenience could ariſe, eſpecially as no application had been made to him upon that ſubject by his royal highneſs: that his majeſty had now given orders for ſettling a proper jointure upon the princeſs of Wales, ſuitable to her high rank and dignity, which he would, in

pro-

proper time, order to be laid before the parliament, in order to be rendered more certain and effectual: that, although his royal highneſs had not thought fit to deſire his majeſty, that his annual allowance of fifty thouſand pounds, which was now paid him monthly rather than quarterly at the choice of his royal highneſs, might be rendered leſs precarious, the king, to prevent the bad conſequences, which, he apprehended, might follow from the undutiful courſes, which, his majeſty was informed, the prince had been adviſed to purſue, would grant to his royal highneſs, for his majeſty's life, the ſaid fifty thouſand pounds to be iſſued out of the civil-liſt revenues, over and above the prince's revenues ariſing from the dutchy of Cornwall; which his majeſty thought a very competent allowance, conſidering his own numerous iſſue, and the great expence, which did, and muſt neceſſarily, attend an honourable proviſion for the whole royal family: that to this meſſage the prince returned a verbal anſwer, deſiring their lordſhips to lay him with all humility at his majeſty's feet: to aſſure him that he did and ever ſhould retain the utmoſt duty for his royal perſon: that he was very thankful for any inſtance of his majeſty's goodneſs to him or to the princeſs, and particularly for his majeſty's gracious intention of ſettling a join-

ture upon her royal highneſs; but that, as to the meſſage, the affair was now out of his hands, and therefore he could give no anſwer to it: and that his royal highneſs afterwards uſed many dutiful expreſſions towards his majeſty; adding, "indeed, my lords, it is in "other hands, I am ſorry for it;" or words to that effect.

This meſſage made various impreſſions on the houſe. Some conſidered it as a wicked attempt of the miniſter to divide the royal family, the better to ſupport his own power; while others regarded it as a ſhrewd ſign, that his royal highneſs had been induced to lend too favourable an ear to the dangerous inſinuations of ſome traders in the oppoſition. The beſt ſpeakers on both ſides exerted their utmoſt abilities in the debate which followed on this ſubject; but the queſtion being at laſt put, the motion was rejected by a majority of thirty voices. A like motion was made in the houſe of peers by the lord Carteret; and, after an obſtinate diſpute, it met with the ſame fate.

Some gentlemen imagining, that the intereſt paid for the national debt, which amounted to forty-ſeven millions, eight hundred and fifty-five thouſand, nine hundred and forty-eight pounds, three ſhillings and three pence halfpenny, was too high, Sir John Barnard, in a committee of the whole houſe,

houſe, moved, that his majeſty ſhould be enabled to raiſe money either by ſale of annuities, or by borrowing at an intereſt not exceeding three per cent, to be applied towards redeeming old and South-ſea annuities; and that ſuch of the annuitants, as ſhould be inclined to ſubſcribe their reſpective annuities, ſhould be preferred to all others.

Though this motion was founded upon evident principles of public utility, which have ſince been ſo happily juſtified by practice: yet is it incredible what a popular clamour was raiſed againſt it by all the annuitants, who were then very numerous. The miniſter was fully convinced of the juſtice, equity, and expediency of the meaſure: nevertheleſs he was backward in giving it his countenance, till the public ſhould be brought to view it in a more favourable light.

The arguments, however, advanced in its defence, were ſo ſtrong and forcible, that he was obliged, for the preſent, to yield to the motion; and accordingly, on the thirtieth day of March, Sir Charles Turner reported, from the committee, that it was their opinion, that all the public funds redeemable by law, which carried an intereſt of four per cent. ſhould be reduced according to the

reſpective proviſos or clauſes of redemption, contained in the acts of parliament for that purpoſe; or, with conſent of the proprietors, ſhould be converted into an intereſt or annuity, not exceeding three per cent. nor redeemable till after fourteen years: and that his majeſty ſhould be enabled to borrow from any perſon or perſons, bodies politic or corporate, any ſum or ſums of money, at an intereſt not exceeding three per cent. to be applied towards redeeming the national debt.

Though theſe reſolutions had received a form different from the motion of Sir John Barnard; ſtill, as they contained a feaſible project for leſſening the load of the national debt, he did not think proper to ſtart any objections. A bill was therefore immediately prepared, and read a firſt and ſecond time; but a motion being made for having it committed, it was rejected by a majority of one hundred and fifteen voices.

The laſt diſpute that happened in the lower houſe, in the courſe of this ſeſſion, was concerning a bill ſent down from the lords, for puniſhing the magiſtrates and city of Edinburgh, on account of the murder of John Porteous.

In the beginning of the ſeſſion, the lord Carteret obſerved, that, notwithſtanding the powers, with which the civil magiſtrate was armed, the military force had been employed in ſuppreſſing the late diſturbances, none of

of which, he ſaid, had proceeded from any ſpirit of diſaffection to the government, but very different cauſes: that the murder which had been committed by the populace of Edinburgh, was of the moſt atrocious nature, and that the conſpiracy which had effected it was the more to be dreaded, as it was attended with no other diſorder than the perpetration of the crime, and ſeemed to have been formed by ſome perſons of rank and conſequence: that, in his opinion, their lordſhips ought to make the moſt diligent and ſevere inquiry into this affair; to bring the delinquents to condign puniſhment; and even to puniſh the city of Edinburgh, if it ſhould appear, that the inhabitants and magiſtrates had not exerted their utmoſt endeavours, in order to ſuppreſs the inſurrection.

He was anſwered by the duke of Newcaſtle, and the lord Hardwicke, who affirmed, that there was an abſolute neceſſity for employing the military force in quelling the late commotions. The earl of Ilay undertook to prove, from the nature of the Union, and the government in general, that the city of Edinburgh, in its corporate capacity, could not be diſfranchiſed, for any crime of its magiſtrates, even ſuppoſing them to be guilty. He agreed, however, with the court-peers in thinking, that the late diſturbances had proceeded from a ſpirit of diſaffection in the popu-

populace; and he inveighed, with great ſeverity, againſt the inſidious arts that had been uſed to alienate the minds of the people from his majeſty's perſon and government.

Then the lord Carteret moved, that the provoſt and baillies of Edinburgh in the year 1736; that the perſon commanding the city guard at the time of the riot in which captain Porteous was murdered; that the commander in chief of his majeſty's forces in Scotland, at the time of the ſaid riot; ſhould, all of them, be ordered to attend the houſe; and that an humble addreſs ſhould be preſented to his majeſty, deſiring, that the different accounts and papers relating to the murder of captain Porteous, might be ſubmitted to their inſpection.

Theſe documents being accordingly examined, and all the witneſſes arrived, including three Scottiſh judges, a debate aroſe about the manner in which theſe laſt ſhould be interrogated, whether at the bar, at the table, or on the woolpacks. Some Scottiſh lords maintained, that they had a right to ſit next to the judges of England; but after a long debate, this claim was rejected, and the judges of Scotland appeared at the bar in their robes. The queſtions put to them were few, and immaterial; and the anſwers they returned, however ſatisfactory in themſelves, contri-

contributed little to elucidate the grand object of inquiry, the murder of Porteous.

At length, the houſe having procured all the intelligence that could poſſibly be obtained, a bill was brought in to diſable Alexander Wilſon, eſquire, lord-provoſt of Edinburgh, from enjoying any office or place of magiſtracy in the city of Edinburgh, or elſewhere in Great-Britain; for impriſoning the ſaid Alexander Wilſon; for aboliſhing the guard of that city; and for taking away the gates of the Nether-bow-port, ſo as to open a communication between the city, and the ſuburbs in which the king's troops were quartered.

This bill was ſtrenuouſly oppoſed by the duke of Argyle, who ſaid, that he could not think of a proceeding more harſh or unprecedented than the preſent, as he believed there was no inſtance of the whole weight of parliamentary indignation, for ſuch he called a proceeding by a bill *ex poſt facto*, falling upon any ſingle perſon, far leſs upon any community, for crimes that were within the reach of the inferior courts of juſtice: that if the lord provoſt and citizens of Edinburgh ſhould ſuffer in the terms of the preſent bill, they would ſuffer by a cruel, unjuſt, and a fantaſtical proceeding; a proceeding, of which the worſt

uſe

uſe might be made, if ever the nation ſhould have the misfortune to fall under a partial, ſelf-intereſted adminiſtration: that he himſelf ſat in the parliament of Scotland, when that part of the treaty of Union, relating to the privileges of the royal boroughs was ſettled; and that they were then eſtabliſhed upon the ſame footing as religion, that is, that they were not alterable by any ſubſequent parliament of Great-Britain.

Notwithſtanding theſe and other objections ſtarted by his grace and the other Scottiſh lords, the bill was paſſed and ſent down to the commons, where it produced a long and an obſtinate conteſt. At length, after warm diſputes and violent altercations, the whole of it was reduced to a ſimple act, diſabling Alexander Wilſon, the lord provoſt, from enjoying any office or place of magiſtracy in the city of Edinburgh, or elſewhere in Great-Britain, and for impoſing a fine of two thouſand pounds upon the ſaid corporation for the benefit of Porteous's widow. Even the bill, though thus mitigated, was ſo ſtrenuouſly oppoſed by the Scottiſh members, and by all who favoured their cauſe, that it was paſſed by a majority only of twenty-ſeven voices. Then it was ſent up to the lords, by whom

it

it was approved, and ſoon after confirmed by the royal ſanction.

To the account of the proceedings of this ſeſſion it may not be improper to ſubjoin a view of the play-houſe bill, which was now paſſed into a law. The miniſter and his friends were ſo provoked at the torrents of undeſerved abuſe that had been poured forth againſt them on the ſtage, that they reſolved to put a ſtop to this growing evil. For this purpoſe a bill was brought in for limiting the number of play-houſes, and for ſubjecting all dramatical performances, exhibited on the ſtage, to the inſpection of the lord-chamberlain of his majeſty's houſhold, without a licence from whom they ſhould not be ſuffered to be acted. In ſupport of this bill Sir Robert Walpole produced a comedy, fraught with treaſon and ſedition, which had been put into his hands, and which had been offered to the theatre in order to be exhibited.

The meaſure, however, was violently oppoſed by all the anti-courtiers, who repreſented it as a direct violation of the liberty of the preſs: but notwithſtanding their utmoſt efforts, the bill was enacted into a law; nor has it been productive of any of thoſe dreadful conſequences, which the minority, at that time, pretended to foreſee.

On

On the twenty-first day of June, his majesty put an end to the session with a speech, in which he said, that he was extremely concerned to observe the licentiousness of the times: that, under the colour and disguise of liberty, they could not be insensible what scandal and offence it gave to all honest and sober men, and how absolutely necessary it was to restrain this excessive abuse by a due and vigourous execution of the laws: that a defiance of all authority, a contempt of magistracy, and even a resistance of the laws, were become too general, though equally prejudicial to the prerogative of the crown and the liberties of the people; the support of the one being inseparable from the protection of the other: that he had ever made the laws of the land the invariable rule of his actions; and he thought he might with reason expect in return all that submission to his government and authority, which the same laws had made the duty, and should always be the interest of his subjects.

The attention of the public was now engrossed by an affair of a very delicate and interesting nature. The princess of Wales had advanced to the very last month of her pregnancy, before the king and queen were informed of her being with-child. She was

twice

twice conveyed from Hampton court to the palace of St. James's, when her labour-pains were ſuppoſed to be approaching; and at length was delivered of a daughter, the princeſs Auguſta, about two hours after her arrival.

The king was no ſooner apprized of this event than he ſent a meſſage by the earl of Eſſex to the prince, congratulating him upon the birth of the princeſs, but at the ſame time, expreſſing his diſpleaſure at the conduct of his royal higneſs, as an indignity offered to himſelf and the queen. The prince deprecated his majeſty's anger in ſeveral ſubmiſſive letters, and implored the queen's mediation. The princeſs joined her intreaties to thoſe of his royal higneſs; but all their humility and ſupplication proved ineffectual.

The king in another meſſage ſent by the duke of Grafton, obſerved, that the whole of the prince's conduct had, for a conſiderable time paſt, been ſo entirely void of all duty to him, that he had long had reaſon to be highly offended at his deportment: that, until he ſhould withdraw his regard and confidence from thoſe, by whoſe inſtigation and advice he was directed and encouraged in his unwarrantable behaviour to him and the queen, and until he returned to his duty,

he ſhould not reſide in his palace; which he would not ſuffer to be made the reſort of thoſe, who, under the appearance of an attachment to the prince, fomented the diviſion which he had raiſed in his family, and thereby weakened the common intereſt of the whole: that in this ſituation, he would admit of no reply; but when his actions ſhould manifeſt a juſt ſenſe of his duty and ſubmiſſion, that circumſtance might induce him to pardon what, at preſent, he moſt juſtly reſented: that, in the mean time, it was his pleaſure, that the prince ſhould quit St. James's with all his family, when it could be done without prejudice or inconvenience to the princeſs: and that he ſhould, for the preſent, leave to the princeſs the care of his grand-daughter, until a proper time called upon him to conſider of her education.

In obedience to this meſſage the prince retired to Kew, and made other efforts to be re-admitted into his majeſty's favour, which, however, he could not regain. Nevertheleſs, he ſent lord Baltimore, one of his domeſtics, to the lord Grantham, the queen's chamberlain, entreating to know whether ſhe would receive a letter from him, in mitigation of his conduct. Her majeſty declining that expedient, the princeſs wrote a humble

humble and ſubmiſſive letter to the king, who returned an anſwer full of affection and civility to her highneſs; though it plainly appeared, that his diſpleaſure at the conduct of the prince was rather encreaſed than abated. The princeſs wrote a like ſubmiſſive letter to the queen, who anſwered it in a very kind and affectionate manner; but, at the ſame time inſinuated, that the king had more reaſon to be diſpleaſed with the prince, than either ſhe or the public apprehended.

Such was the concluſion of a correſpondence, which, as ſoon as it was finiſhed, was publiſhed by authority, and made various impreſſions on the minds of the public. The candid and impartial part of the nation believed, and even openly affirmed, that both the king and the prince were impoſed upon by thoſe, who found their account in creating a difference between them.

However unjuſtifiable the prince's conduct, which can by no means be defended, the puniſhment ſeems to have been rather ſevere, if not rigorous and cruel; for he was not even admitted into the preſence of the queen his mother, in her laſt moments, to implore her forgiveneſs, and receive her laſt bleſſing. She died of a mortification in her bowels, on the twentieth day of November, in the

fifty-fifth year of her age, regretted as a princeſs of uncommon penetration, extenſive generoſity, and a pattern of conjugal fidelity and affection.

In the courſe of this year a rupture happened between the Turks and Ruſſians, which laſt were aſſiſted by the emperor, who, likewiſe, declared war againſt the Grand Signior. The Ruſſian army was commanded by count Munich, who carried on the campaign, with equal ſpirit and ſucceſs. He took Aſoph on the black ſea, and reduced Oczakow, one of the ſtrongeſt places in the Turkiſh dominions, and defended by a garriſon of twenty thouſand men.

Theſe conqueſts, however, which were, in a great meaſure, owing to the valour of general Keith, brother to the earl mariſchal of Scotland, coſt the Ruſſian army ſo dear, that Munich was unable to improve the advantages he had gained. Nevertheleſs, another body of Muſcovites, under the command of general Laſci, penetrated into Crim Tartary, and overcome the greateſt part of it with amazing rapidity.

The Imperialiſts, who attacked the Turks in another quarter, were far from being equally ſucceſsful. The duke of Lorrain had the nominal command of the army; but the operations were directed by count Seck-

Seckendorf, and old officer and a Proteſtant. The emperor had inveſted him with this poſt, in compliment to the diet of the empire, by whom he was aſſiſted in proſecuting the war. His firſt attempt was againſt Widin upon the Danube; but finding it too advantageouſly ſituated to be reduced without a fleet, he ſuddenly attacked Niſſa, which he ſoon compelled to ſurrender.

This, however, was the extremity of his good fortune. Great part of his army was deſtroyed by the exceſſive heats; and, in conſequence of the intrigues of the Roman Catholics, he was left unprovided of the neceſſary ſupplies. This obliged him, for want of proviſions, to divide his army. With one part of it, he formed the blockade of Widin, which, after a few ineffectual attempts, he was forced to abandon with loſs.

The baron de Raunach, another Imperial general, having penetrated into Croatia, at the head of ſix thouſand men, was entirely routed; and the prince of Saxhilburghauſen, who had undertaken the ſiege of Bagnalac, was defeated by a ſuperior body of Turks, who ſlew the beſt part of his army.

Theſe ſudden and repeated loſſes threw the court of Vienna into the utmoſt conſternation. Seckendorff was recalled home, in order to account for his conduct; and the chief

command of the army was beſtowed upon velt-mareſchal Phillippi. The Turks however, notwithſtanding their great ſucceſſes, were extremely deſirous of a peace: conferences were opened on the ſubject at Niemeren; but, as the Ruſſians inſiſted on their keeping poſſeſſion of Aſoph and Oczakow, no accomodation could be affected; and the troops of the ſeveral billigerent powers were therefore diſtributed in winter-quarters.

Such was the ſituation of affairs in Europe when the king of Great-Britain opened the parliament, on the twenty-fourth day of January, * with a ſhort ſpeech, recommending the diſpatch of the public buſineſs with prudence and unanimity. Each houſe preſented a warm addreſs of condolance on the queen's death, with which he appeared to be deeply affected. The firſt, and indeed the principal buſineſs that came before them in the courſe of this ſeſſion, was an enquiry into the Spaniſh depredations.

His majeſty had referred this ſubject to a committee of the privy-council, where the merchants endeavoured to make good their allegations. Their cauſe was ſpecious and popular: the public readily eſpouſed the

their quarrel: they were befriended by the anti-courtiers in both houſes, who wanted to force the miniſtry into a war with Spain: and, encouraged by all theſe favourable circumſtances, they delivered a very ſpirited petition to the lower houſe, repreſenting, that the Spaniards had paid ſo little regard to his majeſty's moſt gracious endeavours to obtain juſtice to his ſubjects, that they had continued their depredations, almoſt ever ſince the treaty of Seville; and more particularly laſt year had carried them to a greater heighth than ever: that they had arbitrarily ſeized ſeveral ſhips with their effects, belonging to his majeſty's ſubjects, on the high ſeas, in the deſtined courſe of their voyages to and from the Britiſh colonies, amounting to a very conſiderable value: that the captains and maſters of the ſaid ſhips had been, according to the laſt advices of the petitioners, and were, as the petitioners believed, at that very time, confined by the Spaniards in the Weſt Indies; and the crews were now in ſlavery in Old Spain, where they were moſt inhumanly treated: that that cruel people made it their practice to attack and board all Britiſh merchant ſhips they met with in the American ſeas, under pretence of ſearching for goods, which they deemed contraband,

or

or not agreeable to their own arbitrary will and pleaſure, contrary to the law of nations, and in manifeſt violation of the treaties ſubſiſting between the two crowns: that, by theſe unjuſt and violent proceedings of the Spaniards, the Britiſh trade and navigation to and from America was rendered very unſafe and precarious, inſomuch, that the inſurance from Jamaica had greatly riſen on that account only; and that, without ſome ſpeedy and effectual remedy, the American trade and navigation, together with the revenue of the crown ariſing from it, would be greatly diminiſhed, if not entirely loſt: that although his Catholic majeſty had engaged by the treaty of Seville, and by a ſubſequent declaration, to cauſe reparation forthwith to be made to the unhappy ſufferers, yet was there no inſtance of ſuch ſatisfaction having been given; ſo far from it, that, whilſt the Britiſh ſubjects were amuſed with vain and fruitleſs hopes of recovering their effects, the Spaniards had committed farther inſults upon them, and ſtill continued the ſame unjuſt practices: that the cedulas or orders, iſſued by the court of Spain, to their governours in America, were only calculated, as the petitioners had reaſon to apprehend, to evade giving ſatisfaction to the Engliſh ſubjects; for, to the beſt of the petitioners knowledge, there never had been one of thoſe cedulas executed, nor any governour

recalled or punished for refusing to comply with them: that, for any nation to assume the power of detaining or rummaging the British ships, upon their lawful voyages on the American seas, was, in effect, as the petitioners conceived, claiming and exercising the sole sovereignty of those seas: that if the Spaniards should be suffered to act in this injurious manner, to insult the persons of his majesty's subjects, or to plunder their property, the petitioners were of opinion, that such practices would be attended not only with a great obstruction to the valuable branch of our commerce and navigation, but also, with consequences still more fatal to Great-Britain: and that, therefore, as the measures hitherto pursued had proved ineffectual, they humbly hoped the house would take the matter into their most serious consideration, and would provide such means, as to them should seem most proper, for procuring relief to the unhappy sufferers, and for preventing all insults and depredations on the British subjects for the future.

This petition, reinforced by others of the like nature from most of the trading towns in the kingdom, had such an influence upon the house, that a motion was made to address his majesty for copies of all the representations sent by the ministry of England to that of Spain, since the first day of November

ber last, and of such answers as had been returned to these remonstrances.

Sir Robert Walpole approved of the former part of the motion, but thought it would be dangerous to comply with the latter. He said, that the last answer, which had been returned from the Spanish ministry, was so far from being satisfactory, that, if the house should see it, and if, as must necessarily be the case, it should come to the knowledge of the public, very bad consequences must ensue: that the parliament and nation, unacquainted with the reasons, which his majesty and his ministry might have, for avoiding a precipitate war, would press such a measure; and his majesty must either comply, contrary to the true interests of his people, or he must be laid under the disagreeable necessity of exercising that part of his prerogative, which vested him with the power of making peace or war: that he hoped gentlemen would consider, that, even though the present motion should be carried without any amendment, it was still in his majesty's breast to comply, or not to comply with it; and if the house should address for any paper, which his majesty and his ministry were conscious ought not to be made public, they must lay his majesty under the hardship of refusing them: that he begged leave to acquaint them, that the British ministry, not-

notwithſtanding the harſhneſs of the laſt anſwer from Spain, had ſent to that court ſome propoſitions, which might ſoften them, and which, in all probability, would ſoon be anſwered: that if they were not anſwered to the ſatisfaction of his majeſty, he himſelf would move, that every paper relating to Spain, even their laſt anſwer, ſhould be laid before the houſe; but, till then, it would be highly improper to comply with the motion: that, if gentlemen would take the trouble of comparing the late treaties and tranſactions between England and Spain, they would plainly perceive, that the obſtinacy of the Spaniards was owing to the perplexed ſtate of affairs in Europe ſince the treaty of Seville, which did not admit of the meeting of the commiſſaries for adjuſting the pretenſions on both ſides, ſo as to make a final report of their commiſſion: that the ſentiments of certain perſons with regard to the Spaniards, ſince that time, were greatly altered; and that the claims, which the Engliſh had upon them, were far from being looked upon, either at home or abroad, to be ſo clear as they were then repreſented, as evidently appeared from there being referred to a congreſs: that, ingenuouſly ſpeaking, however, the Spaniards had hitherto done as much to ſatisfy the Engliſh ſufferers as could well be expected; the diſtance between

tween Madrid and the Spaniſh Weſt-Indies, from whence the proofs muſt be brought, was very great; and the Spaniſh governors were very inſolent, and, in ſome meaſure, arbitrary, and independent of the miniſtry; ſo that it was no wonder if that court ſometimes found difficulty in bringing them to reaſon: that, notwithſtanding all that might be ſaid to the contrary, it was well known, that ſome Engliſh ſhips had been releaſed by the Spaniards without any condition; others had been releaſed, upon the owners giving ſecurity to ſtand trial, whether or not they had been engaged in an illicit trade; and there were others, whoſe claims the court of Spain ſeemed very willing to ſatisfy: and that for all theſe reaſons he thought the motion, now made, ought to be amended. The houſe were ſo well ſatisfied with the frankneſs and ingenuity of this ſpeech, that the miniſter carried his point by a majority of one hundred and ſixty-four againſt ninety-nine voices.

Notwithſtanding this repulſe, the minority reſolved to renew their attacks in another ſhape. With this view Mr. Pulteney moved that leave ſhould be given to bring in a bill for the more effectual ſecuring and encouraging the trade of his majeſty's ſubjects in America. The intention of this act was to give the property of all prizes, taken from the

the Spaniards after the declaration of war, to the officers and ſailors preſent in the action; to allow to the ſailors the ſum of five pounds, by way of head-money for every Spaniard taken at ſea; and to veſt in the captors, by his majeſty's patent, the property of all the places conquered from the Spaniards.

Little oppoſition was made to this bill at its firſt reading; but when a motion was made for reading it a ſecond time, Sir Robert Walpole ſtood up and ſaid, that with regard to the firſt article as the bill then ſtood, if hoſtilities were immediately to commence againſt Spain, and a ſquadron of Engliſh ſhips of war was to take the whole plate fleet of the Spaniards, with all their regiſter ſhips, every ſhilling of the money muſt become the property of the Engliſh ſeamen, though it was notorious, that not one fifth part of that treaſure belonged to the Spaniards, but was the property of the French, the Dutch, and other trading nations of Europe; and as it was not to be ſuppoſed, that the ſailors would willingly part with what was once declared to be their due, the government muſt either violate the preſent act in order to make them refund the effects of the neutral nations; or the parliament muſt load the people with new taxes,

in order to make good that money; or, ſhould none of theſe expedients be ſo adapted, Great-Britain muſt lay her account with involving herſelf in a war with all the different nations, whoſe property ſhe had thus invaded: that with reſpect to the granting head-money, as it was called, for every Spaniard taken at ſea, he thought it a very wiſe and a proper meaſure, and therefore he would readily agree to it as ſoon as war ſhould be declared: that as to the third article he thought it of a moſt dangerous nature, and that, if it paſſed into an act, it muſt effectually cut off all poſſibility of concluding any ſafe and honourable peace; becauſe, in all negociations, ſome places on both ſides were uſually given up, in order to facilitate the treaty; a method, which could not be purſued, if his majeſty, by letters patent, ſhould beſtow the property on others: that the inconveniences of the meaſure propoſed would appear the more plainly when it was conſidered, that, in ſuch negociations, nothing could be more abſurd and ridiculous, than for the Engliſh miniſters to urge to thoſe of Spain, the force of an act of a Britiſh parliament: that he would not ſcruple to affirm, that ſhould the act in queſtion immediately take place without being greatly amended, it would be attended with the abſolute ruin of the Britiſh com-

commerce all over Europe; it must alarm the French with the apprehensions of losing their property, which was greater than that of the Spaniards themselves, on board of their American fleets; and the French court, in such a case, would not hesitate to take part with Spain, and join her with all their naval force, in order to convoy the Spanish fleet to Europe: that most of the French, the Dutch, and Danish property at sea, was insured in England or Holland in time of peace, and therefore the loss, in fact, must fall upon the British and Dutch insurers, as they could have no pretext for refusing indemnification to the French and other nations for the losses they should sustain; so that the bill, if it passed into a law, might ruin the British as well as the Dutch insurers: that he begged gentlemen would consider, what, in such an event, must be the case of the British merchants then residing in Spain, their persons, their ships and their properties; all which the Spaniards could certainly sequester: what, he asked, must the Dutch think of such a bill? or what power in Europe could be our hearty friend, should it at this time be enacted into a law? that, with regard to the insinuations, which had been thrown out, as if he was afraid of a war, because peace was his only safety, he would

take the liberty of obſerving, that, it was but a mean excuſe for a miniſter, when any wrong ſtep was made in government, to ſay, that he was not accountable for the conſequences of meaſures, which were not adviſed by him, and in which he was over-ruled by his ſuperiors: that he had always diſdained thoſe mean ſubterfuges; and would frankly own, that he ſhould be aſhamed to appear again in this houſe, if ſatisfaction was not made to the Britiſh merchants, or, at leaſt, if he did not employ his utmoſt endeavours in order to obtain it; either by fair aud peaceable means, or by exerting all the national ſtrength, if a war ſhould become neceſſary: that, if his country ſhould call him to account, he would willingly take upon him the blame of every wrong ſtep that had been made by the government, ſince he had the honour to be in in the adminiſtration: that, with reſpect to the common notion of a miniſter's being afraid to enter upon a war, he did not underſtand upon what it could be grounded; for his part, he never could ſee any cauſe, either from reaſon or his own experience, to imagine, that a miniſter was not as ſafe in time of war, as in time of peace; nay, were one to judge by reaſon alone, it was the intereſt of a miniſter, conſcious of any miſmanagement, to engage his country in a war;

war; becauſe, by a war, the eyes of the public were diverted from examining into his conduct; nor was he accountable for the bad ſucceſs of a war, as he was for that of an adminiſtration.

Theſe arguments, with thoſe advanced by other members, were deemed ſo ſtrong and forcible, that the bill was rejected by a conſiderable majority. A ſet of reſolutions, however, propoſed by Mr. Pulteney, and amended by Sir Robert Walpole, were unanimouſly approved, and preſented to his majeſty.

Meanwhile, the lords were no leſs eager than the commons, in enquiring into the ſubject of the Spaniſh depredations. The lord Carteret, who had ſtudied the matter with great accuracy, endeavoured to prove, that the baſis of all European commerce in America, conſiſted in each nation reſerving to itſelf an excluſive right to trade with its own colonies and plantations; and that, therefore, no ſhip, which was not actually in the ports or harbours of Spain, could, with any ſhew of equity, be either ſearched or ſecured by the Spaniards.

He affirmed, that the modes of viſiting and ſearching, mentioned by the treaty of 1667, were applicable to the European navigation alone, and not to the American;

becauſe that treaty took it for granted, that no trade could be carried on between the Spaniards and the Engliſh in America, and, conſequently, that there could be no object of ſearch, unleſs the ſhips of one nation ſhould be found actually trading within the ports and harbours of the other. And he confirmed this aſſertion by the practice of the French and the Dutch, who had poſſeſſions in America, and who inviolably adhered to the ſame excluſive privileges.

He ſhewed, that there could not be the ſhadow of a pretext for any Spaniſh veſſels to ſtop an Engliſh ſhip in the open ſea; and, with regard to the claim, which the Spaniards made, of ſtopping ſhips, within a certain diſtance from the ſhore, he obſerved, that nothing could be more unjuſt and unreaſonable; becauſe, in a coaſt ſo extenſive, ſo unequal, and ſo little known as that of America, it was often impoſſible for Britiſh ſhips to perform their voyages from one Engliſh colony to another, without being ſometimes driven, by winds, tides, or currents, within ſuch diſtances of the Spaniſh coaſt, as they might deem to be unlawful.

The houſe were ſo well ſatisfied with his lordſhip's reaſoning, that they unanimouſly agreed to preſent an addreſs to his majeſty, importing, that having carefully examined into

into the many violences and depredations committed by the Spaniards upon the perſons, ſhips, and effects of his majeſty's ſubjects in America, they had thought proper to come to the following reſolutions, which they begged leave to lay before his majeſty for his royal conſideration: that the ſubjects of Great-Britain had a clear and undoubted right to navigate in the American ſeas, to and from any part of his majeſty's dominions; to carry on ſuch trade as they were juſtly intitled to in America; and alſo to tranſport all ſorts of goods, merchandizes, and effects from one part of his majeſty's dominions to another: that no goods, ſo carried, were, by any treaty ſubſiſting between the crowns of Great-Britain and Spain, to be deemed or taken as contraband or prohibited goods; and that the ſearching ſhips, loaded with ſuch goods, on the open ſeas, under pretence of their carrying prohibited or contraband goods, was a manifeſt infraction of the treaties ſubſiſting between the two crowns: that it appeared to the houſe, that, as well before as ſince the execution of the treaty of Seville on the part of Great-Britain, divers ſhips and veſſels, with their cargoes, belonging to Britiſh ſubjects, had been violently ſeized and confiſcated by the Spaniards, upon pretences

alto-

altogether unjuſt and groundleſs; and that many of the ſailors on board ſuch ſhips had been injuriouſly impriſoned, and barbarouſly treated; and that thereby the liberty of navigation and commerce, belonging to his majeſty's ſubjects, by the law of nations, and by virtue of the treatins ſubſiſting between the crowns of Great-Britain and Spain, had been unwarrantably infringed and interrupted, to the great loſs and damage of the Engliſh merchants, and in direct violation of the ſaid treaties: that it further appeared to the houſe, that frequent applications had been made on the part of his majeſty to the court of Spain, in a manner the moſt agreeable to treaties, and to the peace and friendſhip ſubſiſting between the two crowns, for redreſſing the notorious abuſes and grievances before mentioned, and preventing the like for the future, and for obtaining adequate ſatisfaction to his injured ſubjects, which, in the event, had proved intirely fruitleſs and ineffectual: that they thought it their duty, on this important occaſion, humbly to repreſent to his majeſty, that they were moſt ſenſibly affected with the many and grievous injuries and loſſes ſuſtained by his majeſty's trading ſubjects, by means of theſe unwarrantable depredations and ſeizures; and to give his majeſty

majeſty the ſtrongeſt and moſt ſincere aſſurances, that, in caſe his friendly and powerful inſtances for procuring reſtitution and reparation to his injured ſubjects, and for eſtabliſhing the future ſecurity of their trade and navigation, ſhould fail of having their due effect on the court of Spain, they would zealouſly and chearfully concur in all ſuch meaſures, as ſhould become neceſſary for the ſupport of his majeſty's honour, the preſervation of the Britiſh navigation and commerce, and the common good of theſe kingdoms.

To this addreſs his majeſty replied, that he was ſenſibly touched with the many hardſhips and injuries ſuſtained by his trading ſubjects in America, from the cruelties and unjuſt depredations of the Spaniards: that they might be aſſured of his care to procure ſatisfaction for the injuries they had already ſuffered, to ſecure the freedom of navigation for the future, and to maintain to his ſubjects the full enjoyment of all the rights to which they were entitled by treaty and the law of nations: and that he doubted not but he ſhould have their aſſiſtance in the ſupport of ſuch meaſures, as might be neceſſary for this purpoſe.

Such was the concluſion of an inquiry, which, ever ſince the meeting of parliament,

ment, had wholly engroſſed the attention of the public. So entirely, indeed, were the minds of the people occupied with this intereſting object, that very little regard was paid to other affairs, ſome of them too, of no ſmall importance. Two millions were granted to his majeſty for the ſervice of the current year, and for enabling him to pay to the company of the bank of England, the ſum of one million, in order to redeem an annuity of forty thouſand pounds, to which they were intitled: an act paſſed for building a bridge acroſs the river Thames, from the Woolſtaple, Weſtminſter, to the oppoſite ſhore in Surry: and ſome farther regulations were made for preventing the abuſe of ſpirituous liquors.

On the twentieth day of May his majeſty put an end to the ſeſſion with a ſpeech, in which he obſerved, that, agreeable to what had appeared to be the concurrent opinion of both houſes of parliament, he had given orders to repeat, in the ſtrongeſt and moſt preſſing manner, his inſtances at the court of Spain for obtaining ſatisfaction for the many injuries and loſſes ſuſtained by his trading ſubjects in America, and for effectually ſecuring their rights for the future; and he hoped, from the juſtice and equity of the Catholic king, to procure and eſtabliſh a free

free and uninterupted exercise of trade and navigation between the subjects of the two crowns, agreeable to treaties and the law of nations.

Four days after the conclusion of the session, the princess of Wales was delivered of a son, who was baptized by the name of George, and who now sits upon the throne. His birth was celebrated with uncommon rejoicings: addresses of congratulation were presented to the king by the two universities, and almost all the cities and corporations in the kingdom. But the prince of Wales still laboured under the displeasure of his majesty, who had ordered the lord chamberlain to signify in the gazette, that no person, who visited the prince, should be admitted into his majesty's presence at any of the royal palaces.

The act to discourage the retail of spirituous liquors had incensed the populace to such a degree as occasioned numberless tumults in the cities of London and Westminster. They were so addicted to the use of that pernicious compound known by the appellation of gin, that they ran all risques rather than forego it entirely; and so little regard was paid to the law, by which it was prohibited, that, in less than two years, twelve thousand persons were, within the bills of mortality, convicted of having

having ſold it illegally. Near one half of that number was caſt in the penalty of one hundred pounds; and three thouſand perſons paid ten pounds each, rather than undergo the diſgrace of being committed to the houſe of correction.

In October of this year, a ſet of French players, notwithſtanding all the legal proviſions which had been made againſt vagrants, attempted to exhibit a French comedy on the theatre, in the Haymarket; but were routed by the audience. The ſtrollers, however, who, in fact, had no licence for playing, were moſt unwarrantably ſupported by De Veil, the buſy pragmatical juſtice of Weſtminſter, who was ſo imprudent as to attempt reading the riot act, and even ordered a party of the guards upon the ſtage; an expedient, which, had he proceeded, would certainly have endangered the lives of many innocent perſons: but, happily, the reſolution of the audience prevented any bad conſequences: the guards were hindered from coming on the ſtage; and the tumult ended in ſilencing the players, who were obliged to retire to their own country.

A more dangerous ſpirit appeared, at the ſame time, in the Weſtern counties of England, where a number of journeymen and ſervants, who had been ill uſed by the

their maſters, roſe in a tumultous manner, and committed the moſt terrible outrages againſt the perſons and properties of thoſe, who had incurred their reſentment. In order to quell theſe diſturbances, and prevent the flames of ſedition from ſpreading into other counties, a body of troops was quartered at Bradford, Trowbridge, Melkſham, Chippenham, Wetſbury and Yarmouth.

About the ſame period a moſt dangerous inſult was committed upon juſtice, by a party of ſailors, at Wapping, who cut down from the gibbet, and brought to life, one Buchanan, who had been condemned to be hanged for murder; and, notwithſtanding the atrociouſneſs of the crime, and the danger of the example, ſo much were the offenders favoured by the public, that not one of them could ever be diſcovered.*

Meanwhile, the vigourous reſolutions of the laſt parliament had alarmed the court of Madrid to ſuch a degree, that advances were made by his Catholic majeſty for com-

* This Buchanan, it ſeems, was a Scotchman, and was ſuppoſed to be reſcued chiefly by his countrymen; and the affair happening ſoon after the murder of Porteous, gave occaſion to the wits to ſay of the Scots, "that whom they would they ſaved, and whom they would they deſtroyed."

promising all differences between the crowns of Great-Britain and Spain. These proposals, being favourably received by the British ministry, produced, in a short time, the famous convention, which afterwards made so much noise, and which was considered as a previous step towards a general accommodation. This convention was concluded at Pardo on the fourteenth day of January,* and imported in substance, that, within six weeks, to be reckoned from the day on which the ratifications were exchanged, two ministers plenipotentiaries should meet at Madrid, to confer and finally regulate the respective pretensions of the two crowns, with relation to the trade and navigation in America and Europe, and to the limits of Florida and Carolina, as well as concerning other points, which remained likewise to be adjusted, according to the former treaties subsisting between the two nations: that the plenipotentiaries should finish their conferences within the space of eight months: that, in the mean time, no progress should be made in the fortifications of Florida and Carolina: that his Catholic majesty should pay to the king of Great-Britain the sum of ninety-five thousand pounds, for a balance due to the

* A. D. 1739.

the crown and ſubjects of Great-Britain, after a deduction made of the demands of the crown and ſubjects of Spain: that this ſum ſhould be employed for the ſatisfaction, diſcharge, and payment of the demands of the Britiſh ſubjects upon the crown of Spain: that this reciprocal diſcharge, however, ſhould not extend or relate to the accounts and differences, which ſubſiſted, and were to be ſettled, between the crown of Spain and the Aſſiento company, nor to any particular or private contracts that might ſubſiſt between either of the two crowns or their miniſters, with the ſubjects of the other, or between the ſubjects of each nation reſpectively: and that his Catholic majeſty ſhould cauſe the ſaid ſum of ninety-five thouſand pounds to be paid at London within four months, to be reckoned from the day on which the ratifications were exchanged,

On the firſt day of February the ſeſſion was opened by a ſpeech from his majeſty, who ſaid, that, ſupported by the concurrent advice of both houſes of parliament, he had loſt no time in making preparations to do himſelf and his people juſtice, if the conduct of the court of Spain had laid him under that neceſſity: that he had, at the ſame time, in the ſtrongeſt manner, repeated his inſtances for obtaining ſuch reparation for

the many injuries and losses already sustained, and such effectual security for the future, as might prevent the consequences of an open rupture: that he had now the satisfaction to acquaint them, that the measures he had pursued, had been so successful, that a convention was concluded and ratified between him and the king of Spain, by which, upon a strict examination of the demands on both sides, that prince had obliged himself to make reparation to the British subjects, by the payment of a certain stipulated sum: that plenipotentiaries were likewise named and appointed, for regulating, within a limited time, all those grievances and abuses, which had hitherto interrupted the British commerce and navigation in the American seas; and for settling all matters in dispute in such a manner, as might, for the future, prevent and remove all new causes and pretences of complaint, by a strict observance of our mutual treaties, and a just regard to the rights and privileges belonging to each nation: and finally that he would order the convention to be laid before them.

The commons had no sooner returned to their house, than Sir Hanbury Williams moved for an address to his majesty in the usual strain. This motion was violently opposed by all the antiministerial party. Sir John Bar-

Barnard ſaid, that the ſpeech itſelf was moſt abſurdly worded, becauſe it declared, that plenipotentiaries were appointed to regulate the grievances and abuſes that had happened to the Britiſh ſubjects, from the inſolence and cruelty of the Spaniards; that, in his opinion, to regulate abuſes implied a continuance of them, but only under a different form; and indeed, that the whole ſubſtance of the convention was liable to the ſame objection.

He therefore diſapproved of any expreſſions, that could have the leaſt appearance of approving ſo deſtructive a meaſure, and thought the addreſs ought to be confined to the ſimple expreſſions of thanking his majeſty for his gracious ſpeech, and aſſuring him that the houſe would grant him ſuch ſupplies as ſhould be neceſſary for the honour and ſecurity of his majeſty and his kingdoms; and that they would endeavour to avoid all heats and animoſities in carrying on the public buſineſs in that critical conjuncture. This laſt motion, however, was conſidered as equally unreaſonable and diſreſpectful to his majeſty: it was therefore rejected; and the addreſs voted in the uſual ſtile.

The convention being ſubmitted to the inſpection of the commons, the whole houſe

went into a committee on this important ſubject; and the principal ſpeakers on both ſides exerted their utmoſt abilities, either in attacking or defending the meaſure.

The moſt popular, and, indeed, the moſt material objection to the treaty, was, that it had left to a future and precarious diſcuſſion, the moſt important rights of the Britiſh traders and ſubjects, that of navigating their ſhips from one part of his majeſty's dominions to another, without being ſubject to a ſearch; and, by that means, rendered it queſtionable, whether they ought to enjoy any ſuch right.

The miniſtry affirmed, that the continuance of peace was the great object which they had had in view in all their negociations; and they might ſafely appeal to the preſent ſtate of national wealth and commerce, whether England could propoſe to herſelf ſuch advantages, even from the moſt ſucceſsful war, as ſhe had reaped by peace; but ſuppoſing, what was not impoſſible, that the war ſhould be unſucceſsful, it might be fatal to Great Britain: that it was more than probable, that France would intereſt herſelf in favour of the Spaniards: that the Dutch would be neutral in a quarrel which would give them an opportunity of becoming the carriers of all Europe; and, in

in a word, that the nature of the differences between England and Spain were ſuch as did not admit of the former having any ally, who could ſerve her: that, with regard to the ſtipulations contained in the convention itſelf, it was plain, by the ſatisfaction, which the Spaniards were ready to make, that they had receded from their claim of ſeizing Engliſh property upon the open ſeas, which was the moſt intolerable grievance, which the ſubjects of Great-Britain had ſuffered, and indeed the only one, which could juſtify the miniſtry in adviſing his majeſty to commence hoſtilities: that the ſufferings of particular perſons were not denied, though apparently they had been much exaggerated; but by the ſatisfaction which the convention had obtained for them, it ought to be conſidered, that private intereſts were not, upon every ſlight occaſion, to embroil two great nations, eſpecially if their claims could be any other ways ſatisfied: that the intereſts of the two nations in America were ſo complicated, that it was no wonder if ſome doubts and diſputes ſhould ſubſiſt between them; and, in ſuch caſes, it had always been the practice of civilized nations to bring matters, if poſſible, to an accommodation: that the Spaniards, of all people, were the leaſt likely to ſubmit to a peremptory demand;

and

and that the right of navigating the American seas, without being stopped or searched, was a right so essential to the commerce of Great-Britain, that there was no danger of any minister being so fool-hardy, as to advise his majesty to instruct his plenipotentiaries to give it up in any future congress: that neither, in fact, did the words of the convention imply any such danger; they only proposed to regulate the accidental differences of commerce, which a course of years, and a variety of treaties, had occasioned: that, after all, certain regulations in navigating the American seas ought, in justice and true policy, to be laid down; for, though a free navigation from one part of his majesty's dominions to another, was stipulated by the treaty of 1670, yet abstinence from trading with the Spanish possessions there was stipulated likewise: that if the English were to take it for granted, that their ships, unless trading in the Spanish ports and harbours, were, upon no account, to be visited and searched, all the meaning of the prohibitory clause in the treaty of 1670, would be absolutely defeated, because the English smuggling ships might lie off shore, and might run their goods in their boats upon the Spanish coasts; a practice which was already but too notorious,

ous, inconſiſtent with the good faith of the Engliſh nation, and directly repugnant to the true intent and meaning of the treaty: and finally, that, if the Spaniards were to admit of this, they might as well give up their excluſive right to trade with their own colonies; nor was there a nation in Europe that had not a right to the ſame traffic. Such was the ſubſtance of all the arguments advanced by the miniſtry in favour of the convention, though retailed in a variety of ſpeeches during the courſe of the ſeſſion.

Mean while petitions were preſented againſt the treaty by the merchants trading to America, by the city of London, and by almoſt all the towns and corporations in the kingdom.

That of the merchants particularly aſſerted, that the Spaniards were ſo far from giving up their unjuſtifiable practice of viſiting and ſearching Britiſh ſhips ſailing to and from the Britiſh plantations, that they appeared to have claimed the power of doing it as a right, by having inſiſted, that the differences, which had ariſen concerning it, ſhould be referred to the diſcuſſion of plenipotentiaries, without having even agreed to abſtain from ſuch viſitation and ſearch, during the time that this diſcuſſion might laſt.

They

They begged leave to repreſent to the houſe the great importance of their trade to and from the Britiſh plantations in America, the clear and indiſputable right which they had to enjoy it, without being ſtopped, viſited, or ſearched by the Spaniards, on any pretence whatſoever, and the certain and inevitable deſtruction of all the riches and ſtrength derived to the kingdom from that trade, if a ſearch of Britiſh ſhips, ſailing to and from the Britiſh plantations, ſhould be tolerated, upon any pretext, or under any reſtrictions, or even if the freedom of that navigation ſhould continue much longer in a ſtate of uncertainty.

The minority having moved that this petition ſhould be referred to the committee, and the petitioners heard by their council; the motion was oppoſed by all the court-members, who thought it equally abſurd and unparliamentary.

Mr. Pelham obſerved, that the contents of the petition were ſuch, that no point of law could be urged on the ſubject: that, with regard to facts for the information of the houſe, the petitioners could themſelves ſtate them more ſatisfactorily than any council whatever; and that there was not a ſingle allegation laid down in the petition, in which, he believed, all the houſe was not agreed:

agreed: that, with reſpect to the ſuggeſtion, that the very referring ſo indiſputable a right, as that of the Britiſh ſubjects ſailing to and from their own plantations unmoleſted, to a future diſcuſſion, rendered it queſtionable; it was a point, he ſaid, in which there could be no queſtion; he was ſure, no gentleman in the houſe would alledge, that from ſuch a reference any ſuch thing could be ſuppoſed: that if a man ſhould claim a thouſand pounds of him, might he not ſubmit to hear his reaſons, and examine his vouchers, though he knew he owed him nothing? that this was the very caſe between the Engliſh and the Spaniards; the Engliſh had offered to hear their reaſons, and examine their vouchers, that they might avoid the imputation of a haughty obſtinacy, which might have hurt them in the opinion of the other nations of Europe: that the Engliſh knew the Spaniards could produce nothing in ſupport of ſuch a claim, if they really were to make it, which, from their conceſſions, he very much queſtioned; and then the Engliſh ſhould have an opportunity of convincing them and all Europe, how very much they were in the right to inſiſt upon the freedom of their commerce and navigation. The queſtion being put, it was carried by a great majority, that the petiti-

petitioners ſhould be heard by themſelves only.

The committee, having finiſhed their debates on the convention, Mr. Francis Vane moved, that an humble addreſs ſhould be preſented to his majeſty, to return him the thanks of this houſe, for having been graciouſly pleaſed to communicate to them the convention, together with the ſeparate articles lately concluded between his majeſty and the king of Spain: to expreſs their grateful acknowledgments for the particular care which his majeſty had taken of the intereſts of his people, in having obtained, by the ſaid convention, a final adjuſtment of their long depending demands, for the loſſes they had ſuſtained, and an expreſs ſtipulation for a ſum of money to be paid to them, in a ſhort time, upon that account: to declare their ſatisfaction with the foundation which his majeſty had laid, of preventing and removing the like grievances and cauſes of complaint for the future, and for preſerving the peace between the two nations: to ſignify their reliance on his majeſty, that, from his conſtant attention to the honour of his crown, and the undoubted rights of his people, effectual care would be taken in the ſolemn treaty, to be made purſuant to this convention, that the freedom of navigation, in

in the American ſeas, might be fully ſecured and eſtabliſhed for the future; that his majeſty's ſubjects might enjoy, unmoleſted, their undoubted right of navigating and trading to and from any part of his majeſty's dominions, without being liable to be ſtopped, viſited or ſearched on the open ſeas, or to any other violation of the treaty ſubſiſting between Great-Britain and Spain, as the only means to preſerve, upon a laſting foundation, a good correſpondence and friendſhip between the two crowns; and that, in regulating and ſettling the limits of his majeſty's dominions in America, in the treaty to be made with Spain, the greateſt regard would be had to the rights and poſſeſſions belonging to his majeſty's crown and ſubjects: and finally, to aſſure his majeſty, that, in caſe his juſt expectations ſhould not be anſwered, the houſe would, with the greateſt zeal and chearfulneſs, ſupport his majeſty in taking ſuch meaſures, as ſhould be neceſſary to vindicate his majeſty's honour, and to maintain to his ſubjects, the full enjoyment of all thoſe rights, which they might juſtly claim by treaty, or the law of nations.

Whatever objections the minority might have to ſome particular expreſſions in this addreſs, had they been actuated ſolely by a love to their country, they could have had

none to the noble ſpirit which it breathed; for, had its end been anſwered, and its aim fulfilled, the nation would have obtained all the advantages, which the anti-courtiers themſelves had ever pretended it had a right to expect.

The convention, however, was the miniſter's, and the addreſs, though propoſed by another gentleman, was conſidered as coming from the ſame quarter; and, as the former had already been attacked with the utmoſt acrimony and virulence, ſo the latter muſt be oppoſed with no leſs zeal and animoſity.

Mr. P. in ſpeaking on the ſubject, thought proper to acquaint the houſe, that the duke of Argyle, who was then the idol of all parties, was the declared enemy of the miniſter; and his grace happening, through curioſity, to be that day in the houſe of commons, Mr. P. deſcribed him ſo plainly, that he thought proper to withdraw. "They who had the "courage," ſaid Mr. P. "to follow the "dictates of their own breaſts, (I do not "mean to reflect on any gentleman) were "diſabled from further ſerving their country "in a military capacity. One exception, "Sir, I know there is, and I need not tell "Gentlemen, that I have in my eye one mi-"litary perſon, great in character, great in "his

" his capacity, great in the important of-
" fices he has diſcharged, who wants nothing
" to make him ſtill greater, but to be ſtrip-
" ped of all the poſts, of all the places he
" now enjoys.——But that, Sir, they dare
" not do."

He was anſwered by Mr. Pelham, who, inſtead of deſcending to perſonal reflections, which he thought unworthy the attention of the houſe, demonſtrated to the ſatisfaction of the unprejudiced part of the members, that, by agreeing to ſuch an addreſs, no right or claim of the nation could poſſibly be prejudiced, inaſmuch as the very addreſs contained a ſaving of them all: that no article of the convention, excepting the adjuſtment of claims, and the ſtipulation for payment by the crown of Spain, was final; and that there was not a ſingle point contended for by the oppoſition, but what was expreſly ſecured by the addreſs, and that too in their own terms. After a long and obſtinate diſpute, the motion was carried, and the addreſs voted.

The minority finding themſelves thus foiled in what they conſidered as their laſt reſource, formed the ridiculous, as well as unconſtitutional reſolution of alarming the nation, by abſenting from their duty in parliament. This meaſure ſeems to have been

ſuggeſted by Sir William Wyndham, with a view of intimidating the miniſter; and the whole party, during the debate, made no ſecret, that, ſhould the convention be approved, they were determined never again to come into the houſe.

The queſtion, therefore, was no ſooner decided, than Sir William Wyndham ſtood up and expreſſed himſelf in the following terms. "This addreſs is intended to convince mankind, that the treaty under our conſideration is a reaſonable and honourable treaty. But if a majority of thirty members in ſuch a full houſe, ſhould fail of that ſucceſs; if the people ſhould not implicitly reſign their reaſon to a vote of this houſe, What will be the conſequence? Will not the parliament loſe its authority? Will it not be thought, that, even in parliament, we are governed by a faction? And what the conſequence of this may be, I leave to thoſe gentlemen to conſider, who have now given their vote for this addreſs. For my own part, I will trouble you no more; but, with theſe my laſt words, I ſincerely pray to Almighty God, who has ſo often wonderfully protected theſe kingdoms, that he will graciouſly continue his protection over them, by preſerving us from that impending danger,

" which

"which threatens the nation from without, "and likewiſe from that impending danger "which threatens our conſtitution from "within."

Nothing, but the fortitude and moderation of the miniſter, could have prevented Sir William from being ſent to the Tower. The ſpeech itſelf was ſo diſreſpectful to the majority of the houſe, and was ſo like ſounding the trumpet of rebellion, that Mr. Pelham was riſing to move for his commitment; when Sir Robert Walpole, with true magnanimity, reſtrained him, and painted the party, to which he ſuppoſed Sir William to be attached, in terms more ſevere than he had ever before been known to employ. He mentioned a like reſolution which the Jacobites and Tories had taken of abſenting themſelves from parliament at the time when the biſhop of Rocheſter was tried and condemned.

Meanwhile, the convention was attacked with no leſs zeal, and perhaps with greater abilities, in the upper, than in the lower houſe. After the treaty had been conſidered, lord Carteret ſaid, that, poſſibly one of the contracting parties had preſented a proteſt or declaration, importing, that he acceded to ſuch or ſuch a meaſure, only upon condition, that the terms of that proteſt or declaration ſhould be made good. He ſaid,

that, till his mind could be free from the moſt diſtant ſuſpicion, that ſuch a proteſt might exiſt in the preſent caſe, he could not form a juſt opinion of the tranſaction itſelf, nor communicate to their lordſhips any light that might be neceſſary for that purpoſe.

Theſe inſinuations alluded to a proteſt, which had been actually made by the king of Spain, before he ratified the convention, ſignifying, that his Catholic majeſty reſerved to himſelf, in its full force, the right of being able to ſuſpend the Aſſiento of negroes, in caſe the company ſhould not pay, within a ſhort time, the ſum of ſixty-eight thouſand pounds ſterling, owing to Spain, on the duty of negroes, or on the profits of the ſhip Caroline; and that, under the validity and force of this proteſt, the ſigning of the ſaid convention might be proceeded on, and on no other terms.

This proteſt had been delivered to Mr. Keene, the Britiſh ambaſſador at Madrid, who had promiſed, that, if the South-ſea company really owed ſuch a ſum; a circumſtance, of which, at preſent, he was entirely ignorant; he would engage, that it ſhould be paid with the utmoſt punctuality.

The minority did not fail to lay hold of this circumſtance, which they improved greatly

greatly to their own advantange. They ſaid, that Mr. Keene ought not ſo far to have forgot his character as to have accepted the proteſt. They even ſuggeſted, that he had orders from the miniſtry at home, for taking ſuch a ſtep; and that the whole was an artful contrivance to avoid a war with Spain, and to gratify the ambition of that haughty and overbearing court.

Theſe ſuggeſtions were anſwered by lord Harvey, who obſerved, that Mr. Keene could juſtly merit no blame for receiving the petition, which was in a manner thruſt upon him, before he knew what it contained: that that gentleman, as agent for the South-ſea company, was obliged to behave with great tenderneſs towards the court of Spain; the rather as the French had lately made offers for purchaſing the Aſſiento or contract for ſlaves: that his Catholic majeſty was, in this caſe, to be looked upon not only as a ſovereign prince, but as a conſiderable merchant; their lordſhips knew, that by treaty he was entitled to a large ſhare, he thought one fourth, of the profits ariſing from the company's trade: that this being the caſe, it followed, that his Catholic majeſty's miniſters muſt likewiſe be conſidered not only as the public miniſters of his crown, but as agents for his mercantile intereſt: that on this account it was, that if theſe two characters had been con-

confounded together, they had been ſo, only on the part of the Spaniſh miniſtry, who ridiculouſly inſiſted on their maſter's having it in his power, as a ſovereign, to ſuſpend the Aſſiento contract, in caſe a debt was not paid which was due to him as a merchant: that Mr. Keene had done no more than to accept this declaration, which, as agent for the company, he was obliged to do, the affair relating immediately to them; had he ſigned it, indeed, he might have juſtly been blamed; but as he had not ſigned it, it could be looked upon as no act of his, and conſequently he was not anſwerable for it.

Notwithſtanding the force of theſe arguments, a motion was made, that a day ſhould be appointed for examining the directors of the South ſea company, touching the ſum of ſixty-eight thouſand pounds, mentioned in the declaration given to the Britiſh miniſter, and claimed by his Catholic majeſty, as a debt due to him by the ſaid company; and that the directors of the company ſhould be ordered to attend the bar of the houſe for that purpoſe.

This motion was oppoſed by lord Harvey, who ſaid, that the South ſea company was a trading company; and, as ſuch, had undoubtedly ſecrets in trade, which it would be

be very unjuſt, as well as impolitic, to oblige them to reveal at the bar of that houſe: and that therefore the motion ought not to be approved, if it could be avoided.

He was ſeconded by the earl of Ilay, who declared, that, in his opinion, the whole matter ought to be ſettled by the South-ſea company, and the Spaniſh miniſter at London, without the intervention of any other power: that he was confirmed in theſe ſentiments by underſtanding, that the South-ſea company had actually appointed a day for taking into conſideration the merits of the debt claimed by the court of Spain: ſhould it be found to be a juſt debt, they muſt undoubtedly pay it, and the convention muſt ſtand in its full force, as if no ſuch proteſt had been made: ſhould it not be found to be a juſt debt, and the crown of Spain ſhould be ſo unreaſonable as to inſiſt upon the validity of the proteſt for ſetting aſide the convention, if the debt was not paid, the matter would then come before the houſe in a proper manner: but, in any event, he was fully ſatisfied, that a proteſt ſigned but by one miniſter, and that too relating to a mercantile tranſaction, ought not to be conſidered as affecting the validity of a public treaty, nor ought it to come under the cognizance of that houſe.

The

The motion was defended by the duke of Argyle, who obſerved, that, as the noble lord who ſpoke laſt, had inſiſted, that this affair was of a private nature, and concerned only one ſet of men in the kingdom, he ſhould, were he of the ſame opinion, be very far from taking up their lordſhips time in ſpeaking for the motion; but, for his own part, he was of a very different way of thinking; it appeared to him, to be an affair that concerned the honour of the crown, and the intereſt, not only of the South-ſea company, but of all the kingdom: that it, in a more ſpecial manner, concerned the affair, which they were to have under their deliberation in a very few days; he meant the convention; for their lordſhips ſaw, that the Spaniſh miniſter, by this declaration, allowed no ſtrength, no validity to that treaty, any farther than the terms of his demands were complied with; but how, he aſked, was it poſſible for them to know how reaſonable theſe demands were, unleſs they heard what the party concerned had to ſay? ſhould they give their approbation to a treaty, in which one of the contracting powers previouſly told them, that the validity of the treaty did not depend either upon their approving, or his majeſty's ratifying it; but upon an event that, properly ſpeaking, had

no

no regard to the treaty itſelf? ſo that it ſeemed, the Spaniards were of opinion, that we muſt either force the South-ſea company to comply with the terms of this declaration, or we muſt look upon all that has paſſed between our miniſters and theirs as a mere farce: that this was plainly the language of the declaration; and he might challenge any man alive to make any other meaning out of it: that notwithſtanding all that had been ſaid in defence of Mr. Keene's conduct, he would take upon him to ſay, that it could by no means be juſtified: that the declaration was made in due form, before the convention was either ſigned or ratified; ſo that, if the South-ſea company ſhould refuſe to pay the ſixty-eight thouſand pounds, he durſt venture to lay all that he was worth in the world, that the Spaniſh court would inſiſt on a nullity of all that had been done: they would tell us, that this declaration was of the ſame force with any article of the convention; that they gave us fair warning of it, before the convention was ſigned; and that, if we had not been pleaſed with the terms, we were under no obligation to ſign the convention; ſince it was not their fault if we were not ſufficiently apprized of the conſequeuces: that he owned, indeed, that the king of Spain had a right to demand from the

the South-sea company the performance of engagements on their parts; but he denied, that he had any right to tell them, that, if they would not pay whatever arbitrary demand he was pleased to make, he would revoke the contract: and that for all these reasons he was for complying with the motion, that the house might have an opportunity of strengthening his majesty's hands, the better to enable him to obtain justice for the company, as well as for the rest of his subjects. In spite of these and many other arguments in favour of the motion, it was rejected by a considerable majority; and addresses approving of the convention were accordingly presented by both houses.

Meanwhile, the sentiments of the public were greatly divided with regard to the conduct of about sixty members, who had seceded, as they called it, from their duty in parliament. The more intelligent part of their friends without doors imagined, that, as the approbation of the convention was carried only by a majority of thirty voices, they would, if they had had nothing in view but the good of their country, have persevered in their endeavours to encrease their number; and that, in no event, and upon no pretext whatsoever, ought they thus, as it were, to have

have thrown up every thing to the direction of the minister.

The minister, on his side, whatever pains he might have taken to dissuade the anti-courtiers from adopting such a wild resolution, now that they had actually embraced it, seemed very little affected with their secession. On the contrary, he endeavoured to convince the nation, that they were no great losers by the absence of the seceders; and, in order to give the greater weight to his arguments, he generously encouraged, and even invited every scheme that could tend to the advantage of Great-Britain and her colonies.

This expedient had so good an effect, that many of the seceders, ashamed of the weakness of their conduct, returned to their duty in the house; and such of them, as still stood out, who indeed were some of the chief leaders of the party, retiring to their country-seats, endeavoured to persuade the people, that the constitution was dissolved, and that nothing remained but violent measures to relieve them from the tyranny of a despotic minister.

A message having been delivered to the upper house from his majesty, importing, that he had settled nine and thirty thousand pounds *per annum* on the younger children

of his family; and desiring their lordships would bring in a bill to enable his majesty to make that provision good; the lord Carteret observed, that, though what were called the hereditary revenues of the crown, were settled upon the king by parliament, yet, in fact, they were his by a fair paction, in consideration of the rights of wardships given up by Charles the second at the time of the Restoration; and therefore it was possible that future kings of England might not think themselves bound, even by an act of parliament, to part with so much of the revenue.

The lord Harvey replied to this seemingly despotic doctrine, with a severity, which the weight of the observation by no means deserved. He said, that it was an argument more proper to come from a turbanded head in a Divan at Constantinople or Ispahan, than from a British nobleman; and that the very granting this revenue at the beginning of every king's reign, was a self-evident proof, that the parliament looked upon themselves as authorized to confirm the disposal of part of it at least, which was all the present message implied. After these and some other remarks, the house complied with his majesty's request; and a bill

bill was ordered to be prepared for the purpose.

On the tenth day of May the duke of Newcaſtle produced a ſubſidy-treaty, by which his majeſty obliged himſelf to pay to the king of Denmark ſeventy thouſand pounds *per annum*, on condition of that prince's furniſhing to his Britannic majeſty a body of ſix thouſand men when demanded. At the ſame time his grace delivered a meſſage from the king, deſiring the houſe would enable him to fulfil this engagement; and alſo to raiſe what money and troops the exigency of affairs, during the approaching receſs, might require.

This demand was violently oppoſed by the lord Carteret, who ſaid, that no uſe could be made of the Daniſh troops in any expedition againſt Spain, becauſe it was ſtipulated in the treaty, that they ſhould not be employed either in Italy, or on board of the fleet, or be tranſported either in whole or in part, beyond ſea, after they ſhould have marched out of the territories of Denmark, unleſs for the defence of the kingdoms of Great-Britain and Ireland; nay, ſhould France join againſt the Engliſh, the Danes could not act againſt that power or Spain, except as part of an army formed in Germany or Flanders: that this body of Danes,

therefore, might be said to be retained for the defence and protection of Hanover; or, if the interest of Great-Britain was at all consulted, in the treaty, it must have been in preventing the Danes from joining their fleets to those of France and Spain: that, with regard to the second part of the message, he begged leave to observe, that nothing could be more dangerous to the constitution, than a general and unlimited vote of credit; such a demand our ancestors would have heard with amazement and rejected with scorn; the practice was but of modern date in England; it was never heard of before the Revolution, and never became frequent until the management of affairs came into the hands of the present administration: that, if ever a general vote of credit and confidence should become a customary compliment to the crown at the end of every session, or as often as the minister might think fit to desire it, parliaments would grow despicable in the eyes of the people; a proclamation might then be substituted in its stead, and happy would it be for the nation, if that should be sufficient; for when a parliament ceases to be a check upon ministers, it became an useless and unnecessary burden on the people: that the representatives must always be paid some way or other; if their wages

wages were not paid openly and fairly by their reſpective conſtituents, as they were formerly, a majority of them might, in future times, be always ready to accept of wages from the adminiſtration; and theſe muſt come out of the pockets of the people.

The meaſure, however, ſeemed ſo expedient to the majority of the houſe, that it was readily approved, and an addreſs preſented, aſſuring his majeſty that they would ſupport him in fulfilling his engagements, as well as in making ſuch further augmentation of his forces by ſea and land, as he ſhould think neceſſary for the honour, intereſt, and ſafety of his kingdoms.

The ſame meſſage being communicated to the commons, they voted ſeventy-five thouſand, five hundred and eighty-three pounds for the ſubſidy to Denmark, and five hundred thouſand pounds for augmenting the forces on any emergency. As Great Britain ſtood engaged by the convention, to pay to the crown of Spain the ſum of ſixty thouſand pounds, in conſideration of the ſhips taken and deſtroyed by Sir George Byng, in the year 1718, which ſum was to be applied to the relief of the Britiſh merchants who had ſuffered by the Spaniſh depredations, the commons inſerted in the bill a clauſe, providing for this ſum to be paid by parliament.

In the courſe of this ſeſſion, a very ſalutary law paſſed for the encouragement of the woollen manufacture: and two bills in behalf of the ſugar colonies; one, permitting them, for a limited time, to export their produce directly to foreign parts, under proper reſtrictions; the other making more effectual proviſions for ſecuring the duties laid upon the importation of foreign ſugars, rum and molaſſes into Great-Britain and his majeſty's plantations in America.

Notwithſtanding the evident utility of theſe bills to the ſugar colonies, petitions were preſented againſt them by the merchants of London, Briſtol, Liverpool, and other places; but the objections of the petitioners were either ſo frivolous or ſelfiſh that little regard was paid to them by the parliament.

At the ſame time an act paſſed for granting a reward of five thouſand pounds to Joanna Stevens, on her diſcovering, for the benefit of the public, a noſtrum for the cure of perſons afflicted with the ſtone. The powers of the commiſſioners too, appointed to ſuperintend the building of Weſtminſter Bridge, were conſiderably enlarged by another act; and a lottery was eſtabliſhed for raiſing money to defray the expence of this uſeful and patriotic undertaking.

The

The public buſineſs being entirely finiſhed, the king came to the houſe of peers on the fourteenth day of June, and put an end to the ſeſſion with a ſhort ſpeech, in which he exhorted all, who profeſſed themſelves zealous aſſertors of the rights and privileges, laws and liberties of their country, and of the Proteſtant religion, under the preſent eſtabliſhment, to unite their endeavours in defence of theſe ineſtimable bleſſings; and expreſſed his wiſhes, that the honour, proſperity, and ſafety of the kingdom, might become one common cauſe, and reconcile all civil diſcords and diviſions, that ſo, by their firmneſs and unanimity, they might diſappoint the hopes and expectations of their enemies.

End of the THIRTY-SIXTH VOLUME.

MVSEVM
BRITAN
NICVM